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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0542; Directorate Identifier 2011–NM–162–AD; Amendment 39–17785 AD 2014–05–12]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2010–15–08 for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. AD 2010–15–08 required repetitive inspections for discrepancies of each carriage spindle of the outboard mid-flaps; repetitive gap checks of the inboard and outboard carriages of the outboard mid-flaps to detect fractured carriage spindles; measuring to ensure that any new or serviceable carriage spindle meets minimum allowable diameter measurements taken at three locations; repetitive inspections, measurements, and overhaul of the carriage spindles; replacement of any carriage spindle when it has reached its maximum life limit; and corrective actions if necessary. This new AD requires reducing the life limit of the carriages, reducing the repetitive interval for certain inspections and gap checks for certain carriages. This new AD also adds an option, for certain replacements, of doing an inspection, and related investigative and corrective actions if necessary. This AD was prompted by a report of failure of both flap carriages. We are issuing this AD to detect and correct cracked, corroded, or fractured carriage spindles, which could lead to severe flap asymmetry, and could result in reduced control or loss of controllability of the airplane.

DATES: This AD is effective April 22, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 22, 2014.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of August 31, 2010 (75 FR 43803, July 27, 2010).

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–05–12 or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6440; fax: (425) 917–6590; email: *nancy.marsh@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010). AD 2010–15–08 applied to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on July 1, 2013 (78 FR 39193). The NPRM was prompted by a report of failure of both flap carriages. The NPRM proposed to continue to require repetitive inspections for discrepancies of each carriage spindle of the outboard mid-flaps; repetitive gap checks of the inboard and outboard carriages of the outboard mid-flaps to detect fractured carriage spindles; measuring to ensure that any new or serviceable carriage spindle meets minimum allowable diameter measurements taken at three locations; repetitive inspections, measurements, and overhaul of the carriage spindles; replacement of any carriage spindle when it has reached its maximum life limit; and corrective actions if necessary. The NPRM also proposed to require reducing the life limit of the carriages, reducing the repetitive interval for certain inspections and gap checks for certain carriages. The NPRM also proposed to add an option, for certain replacements, of doing an inspection, and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct cracked, corroded, or fractured carriage spindles, which could lead to severe flap asymmetry, and could result in reduced control or loss of controllability of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (78 FR 39193, July 1, 2013) and the FAA's response to each comment.

Request to Revise Note

Boeing requested we revise note 1 to paragraph (m) of the NPRM (78 FR 39193, July 1, 2013) to read, ''. . . Boeing (737) Standard Overhaul Practices Manual (SOPM), Revision 25 or later.'' Boeing stated that as its production standard changes, the SOPM is revised each time the SOPM is updated. Boeing stated that a global alternative method of compliance (AMOC) is required each time the SOPM is revised and this generates AMOC activity that does not enhance fleet safety.

We disagree to revise Note 1 to paragraph (m) of this final rule because the text in Note 1 is informational guidance and does not relieve the requirement in paragraph (m) to obtain approval for the method used to apply plating, regardless of what revision of the SOPM is specified. We have not changed this final rule in this regard.

Request to Revise Requirement for Plating

Boeing requested the following requirement in paragraph (m)(3) of the NPRM (78 FR 39193, July 1, 2013) be removed, ''The carriage must not be plated using any high velocity oxygen fuel (HVOF) thermal spray process.'' Boeing stated AD 2011–04–10, Amendment 39–16609 (76 FR 9498, February 18, 2011), and AD 2012–13–07, Amendment 39–17109 (77 FR 39153, July 2, 2012), required diligent inspection of HVOF coated carriages. Boeing stated that inspections to date have only found minor corrosion, well in advance of a potential unsafe condition. Boeing stated requiring carriages to be converted to nickel [plating] does not enhance fleet safety.

We disagree to remove the requested phrase. The restriction against future application of HVOF plating of the flap carriages was coordinated and agreed to by The Boeing Company prior to issuance of the NPRM (78 FR 39193, July 1, 2013). Service experience has shown that the HVOF coating has insufficient reliability, therefore the restriction is necessary. We have not changed this final rule in this regard.

Clarification Regarding the Installation of Winglets

Aviation Partners Boeing (APB) stated the installation of winglets per Supplemental Type Certificate (STC) ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/BE866B732F6CF31086257B9700692796?OpenDocument&Highlight=st01219se*) does not affect the accomplishment of the manufacturer's service instructions.

We agree with APB's statement that the installation of winglets as specified in STC ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/BE866B732F6CF31086257B9700692796?OpenDocument&Highlight=st01219se*) does not affect accomplishment of the requirements of this AD, and for airplanes on which STC ST01219SE is installed, a ''change in product'' (AMOC) approval request is not necessary to comply with the requirements of section 39.17 of the Federal Aviation Regulations (14 CFR 39.17). We have redesignated paragraph (c) of the NPRM (78 FR 39193, July 1, 2013) as (c)(1) and added this provision in new paragraph (c)(2) of this final rule.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 39193, July 1, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 39193, July 1, 2013).

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

Costs of Compliance

We estimate that this AD affects 652 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections [actions retained from existing AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010)].	12 work-hours × $85 per hour = $1,020.	$0	$1,020 per inspection cycle.	$665,040 per inspection cycle.
Inspections and measurements [actions retained from existing AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010)].	2 work-hours × $85 per hour = $170.	$0	$170 per inspection and measurement cycle.	$110,840 per inspection and measurement cycle.
Overhauls [actions retained from existing AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010)].	16 work-hours × $85 per hour = $1,360.	[1] $28,000	$29,360 per overhaul cycle.	$19,142,720 per overhaul cycle.
Replacements [actions retained from existing AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010)].	16 work-hours × $85 per hour = $1,360.	[2] $60,000	$61,360 per replacement cycle.	$40,006,720 per replacement cycle.

[1] $7,000 per spindle; 4 spindles per airplane.
[2] $15,000 per spindle; 4 spindles per airplane.

The new requirements of this AD add no additional economic burden.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010), and adding the following new AD:

2014–05–12 The Boeing Company: Amendment 39–17785; Docket No. FAA–2013–0542; Directorate Identifier 2011–NM–162–AD.

(a) Effective Date

This AD is effective April 22, 2014.

(b) Affected ADs

This AD supersedes AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010).

(c) Applicability

(1) This AD applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

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

(d) Subject

Air Transport Association (ATA) of America Code 57: Wings.

(e) Unsafe Condition

This AD was prompted by a report of failure of both flap carriages. We are issuing this AD to detect and correct cracked, corroded, or fractured carriage spindles, which could lead to severe flap asymmetry, and could result in reduced control or loss of controllability of the airplane.

(f) Compliance

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

(g) Compliance Times for Paragraphs (h) and (j) of This AD

This paragraph restates the requirements of paragraph (g) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010), with revised service information that shortens the compliance times for certain inspections. The tables in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003; and Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012; specify the compliance times for paragraphs (g) through (k) of this AD. For carriage spindles that have accumulated the number of flight cycles or years in service specified in the ''Threshold'' column of the tables in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003, accomplish the gap check, nondestructive test (NDT) inspection, and general visual inspection specified in paragraphs (h) and (j) of this AD within the corresponding interval after December 4, 2003 (the effective date AD 2003–24–08, Amendment 39–13337 (68 FR 67027, December 1, 2003)), as specified in the ''Interval'' column of the tables in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003, except as specified in paragraph (g)(1) or (g)(2) of this AD. Repeat the gap check, NDT, and general visual inspections at the intervals specified in the ''Interval'' column of the tables in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003, except as specified in paragraph (g)(1) and (g)(2) of this AD. As of the effective date of this AD, accomplish the gap check, NDT inspection, and general visual inspections specified in paragraphs (h) and (j) of this AD within the corresponding interval as specified in the ''Interval'' column of the tables in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003, and thereafter at the intervals specified in Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012, except as specified in paragraphs (g)(1) and (g)(2) of this AD. Repeat the gap check, NDT, and general visual inspections thereafter at the intervals specified in the ''Interval'' column of the tables in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012, except as specified in paragraphs (g)(1) and (g)(2) of this AD.

(1) The gap check does not have to be done at the same time as an NDT inspection; after doing an NDT inspection, the interval for doing the next gap check may be measured from the NDT inspection.

(2) As carriage spindles gain flight cycles or years in service and move from one category in the ''Threshold'' column to another, they are subject to the repetitive inspection intervals corresponding to the new threshold category.

(h) Retained Work Package 2: Gap Check

This paragraph restates the requirements of paragraph (h) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010), with revised service information. Perform a gap check of the inboard and outboard carriage of the left and right outboard mid-flaps to determine if there is a positive indication of a severed carriage spindle, in accordance with Work Package 2 of paragraph 3.B., ''Work Instructions,'' of Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003; or Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012. As of the effective date of this AD, only Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012, may be used to perform the actions specified in this paragraph.

(i) Retained Work Package 2: Corrective Actions with New Optional Actions and Exception

This paragraph restates the requirements of paragraph (i) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010), with revised service information and new optional actions and exception. If there is a positive indication of a severed carriage spindle during the gap check required by paragraph (h) of this AD, before further flight, do the actions specified in paragraph (i)(1) or (i)(2) of this AD, except for carriage spindles on which an ultrasonic inspection has been done in accordance with the ''Work Instructions'' of Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012; and the spindle has been confirmed not to be severed, no further actions are required by this paragraph for that carriage spindle.

(1) Remove the carriage spindle and install a new or serviceable carriage spindle, in accordance with the ''Work Instructions'' of any service bulletin specified in paragraph (i)(1)(i), (i)(1)(ii), (i)(1)(iii), or (i)(1)(iv) of this AD. As of the effective date of this AD, only Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012, may be used to perform the actions specified in this paragraph.

(i) Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003.

(ii) Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012.

(iii) Boeing Alert Service Bulletin 737–57A1218, Revision 5, dated February 9, 2009.

(iv) Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011.

(2) Do a detailed inspection of the spindle to determine if there is corrosion, cracking, or a severed spindle, and, before further flight, do all related investigative and corrective actions, in accordance with the ''Work Instructions'' of Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003; or Boeing Service

Bulletin 737–57A1277, Revision 3, dated May 16, 2012. If, during the detailed inspection described in paragraph 4.b. of Work Package 2 of Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003; or Boeing Alert Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012; a carriage spindle is found not to be severed, and no corrosion and no cracking is present, it can be reinstalled on the outboard mid-flap, in accordance with any service bulletin specified in paragraph (i)(2)(i), (i)(2)(ii), (i)(2)(iii), or (i)(2)(iv) of this AD. As of the effective date of this AD, only Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012, may be used to perform the actions specified in this paragraph.

(i) Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003.

(ii) Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012.

(iii) Boeing Alert Service Bulletin 737–57A1218, Revision 5, dated February 9, 2009.

(iv) Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011.

(j) Retained Work Package 1: NDT (Ultrasonic) and General Visual Inspections

This paragraph restates the requirements of paragraph (j) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010), with revised service information. Perform an NDT (ultrasonic) inspection and general visual inspection for each carriage spindle of the left and right outboard mid-flaps to detect cracks, corrosion, or severed carriage spindles, in accordance with ''Work Package 1'' of the ''Work Instructions'' of Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003; or Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012. As of the effective date of this AD, only Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012, may be used to perform the actions specified in this paragraph.

(k) Retained Work Package 1: Corrective Actions and New Optional Action

This paragraph restates the requirements of paragraph (k) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010), with revised service information and new optional action. If any corroded, cracked, or severed carriage spindle is found during any inspection required by paragraph (j) of this AD: Before further flight, do the actions specified in paragraph (k)(1) or (k)(2) of this AD.

(1) Remove the carriage spindle and install a new or serviceable carriage spindle, in accordance with any service bulletin identified in paragraph (k)(1)(i), (k)(1)(ii), (k)(1)(iii), or (k)(1)(iv) of this AD. As of the effective date of this AD, only Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012, may be used to perform the actions specified in this paragraph.

(i) Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003.

(ii) Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012.

(iii) Boeing Alert Service Bulletin 737–57A1218, Revision 5, dated February 9, 2009.

(iv) Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011.

(2) Do a detailed inspection of the spindle to determine if there is corrosion, cracking, or a severed spindle, in accordance with the ''Work Instructions'' of Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003; or Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012. If any corrosion, cracking, or a severed spindle is found, before further flight, install a new or serviceable carriage spindle, in accordance with any service bulletin identified in paragraph (k)(1)(i), (k)(1)(ii), (k)(1)(iii), or (k)(1)(iv) of this AD. As of the effective date of this AD, only Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012, may be used to perform the actions specified in this paragraph.

(l) Retained Parts Installation Limitation

This paragraph restates the requirements of paragraph (l) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010). Except as provided by paragraph (i) of this AD: As of December 4, 2003 (the effective date AD 2003–24–08, Amendment 39–13337 (68 FR 67027, December 1, 2003)), no person may install on any airplane a carriage spindle that has been removed as required by paragraph (i) or (k) of this AD, unless it has been overhauled in accordance with the ''Work Instructions'' of the applicable service bulletin identified in paragraph (l)(1), (l)(2), (l)(3), or (l)(4) of this AD. As of the effective date of this AD, only Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012; or Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011; may be used to perform the actions specified in this paragraph. To be eligible for installation under this paragraph, the carriage spindle must have been overhauled in accordance with the requirements of paragraph (m) of this AD.

(1) Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003.

(2) Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012.

(3) Boeing Alert Service Bulletin 737–57A1218, Revision 5, dated February 9, 2009.

(4) Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011.

(m) Retained Electrodeposited Nickel Plating With New Plating Restrictions

This paragraph restates the requirements of paragraph (m) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010) with revised plating application procedures. As of the effective date of this AD, during accomplishment of any overhaul specified in paragraph (l) or (o) of this AD, follow the requirements specified in paragraphs (m)(1), (m)(2), and (m)(3) of this AD during application of the plating to the carriage spindle, in accordance with a method approved by the Manager, Seattle, Aircraft Certification Office (ACO), FAA. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(1) The maximum deposition rate of the nickel plating in any one plating/baking cycle must not exceed 0.002-inch-per-hour.

(2) Begin the hydrogen embrittlement relief bake within 10 hours after application of the nickel plating, or less than 24 hours after the current was first applied to the part, whichever is first.

(3) The carriage must not be plated using any high velocity oxygen fuel (HVOF) thermal spray process.

Note 1 to paragraph (m) of this AD: Guidance on the application of nickel plating can be found in Chapter 20–42–09, Electrodeposited Nickel Plating, of the Boeing (737) Standard Overhaul Practices Manual, Revision 25, dated July 1, 2009.

(n) Retained Exception to Reporting Recommendations

This paragraph restates the provisions of paragraph (n) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010), with revised service information. Although Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003; and Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012; recommend that operators report inspection findings to the manufacturer, this AD does not require reporting.

(o) Retained Inspections, Measurements, and Overhauls of the Carriage Spindle With Clarification of Overhaul Restrictions

This paragraph restates the requirements of paragraph (o) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010) with clarification of overhaul restrictions. At the applicable times specified in paragraphs (o)(1) and (o)(2) of this AD: Do the detailed inspection for corrosion, pitting, and cracking of the carriage spindle; magnetic particle inspection for cracking of the carriage spindle; measurements of the spindle to determine if it meets the allowable minimum diameter; overhauls of the carriage spindle; and applicable corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1218, Revision 5, dated February 9, 2009; or Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011. As of the effective date of this AD, only Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011, may be used to perform the actions specified in this paragraph. The applicable corrective actions must be done before further flight. Repeat these actions thereafter at intervals not to exceed every 12,000 flight cycles on the carriage spindle or every 8 years since first installation of the carriage spindle on the airplane, whichever comes first. As of the effective date of this AD: For any overhaul required by this paragraph, the carriage spindle must be overhauled in accordance with the requirements of paragraph (m) of this AD.

(1) For Model 737–100, -200, -200C series airplanes: At the later of the times specified in paragraphs (o)(1)(i) and (o)(1)(ii) of this AD.

(i) Before the accumulation of 12,000 total flight cycles on the carriage spindle since new or overhauled, or within 8 years after the installation of the new or overhauled part, whichever comes first.

(ii) Within 1 year after August 31, 2010 (the effective date of AD 2010–15–08,

Amendment 39–16374 (75 FR 43803, July 27, 2010)).

(2) For Model –300, –400, and –500 series airplanes: At the later of the times specified in paragraphs (o)(2)(i) and (o)(2)(ii) of this AD.

(i) Before the accumulation of 12,000 total flight cycles on the carriage spindle since new or overhauled, or within 8 years after the installation of the new or overhauled part, whichever comes first.

(ii) Within 2 years after August 31, 2010 (the effective date of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010)).

(p) Retained Carriage Spindle Replacement for Model 737–100, –200, and –200C Series Airplanes

This paragraph restates the requirements of paragraph (p) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010), with revised service information and a shortened compliance time. For Model 737–100, –200, –200C series airplanes: Replace the carriage spindle with a new or documented (for which the service life, in total flight cycles, is known) carriage spindle, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1218, Revision 5, dated February 9, 2009; or Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011; at the earlier of the times specified in paragraphs (p)(1) and (p)(2) of this AD, except as required by paragraph (r) of this AD. As of the effective date of this AD, only Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011, may be used to perform the replacement. Overhauling the carriage spindles does not zero-out the flight cycles. Total flight cycles accumulate since new.

(1) At the later of the times specified in paragraphs (p)(1)(i) and (p)(1)(ii) of this AD.

(i) Before the accumulation of 48,000 total flight cycles on the new or overhauled carriage.

(ii) Within 3 years or 7,500 flight cycles after August 31, 2010 (the effective date of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010)), whichever occurs first.

(2) Before the accumulation of 40,000 total flight cycles on the new or overhauled carriage or 6 months after the effective date of this AD, whichever occurs later.

(q) Retained Carriage Spindle Replacement for Model 737–300, –400, and –500 Series Airplanes

This paragraph restates the requirements of paragraph (q) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010), with revised service information and a shortened compliance time. For Model 737–300, –400, and –500 series airplanes: Replace the carriage spindle with a new or documented (for which the service life, in flight cycles, is known) carriage spindle, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1218, Revision 5, dated February 9, 2009; or Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011; at the later of the times specified in paragraphs (q)(1) and (q)(2) of this AD, except as required by paragraph (r) of this AD. As of the effective date of this AD, only Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011, may be used to perform the replacement required by this paragraph. Overhauling the carriage spindles does not zero-out the flight cycles. Total flight cycles accumulate since new.

(1) Before the accumulation of 40,000 total flight cycles on the new or overhauled carriage.

(2) Within 6 years or 15,000 flight cycles after August 31, 2010 (the effective date of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010)), whichever occurs first.

(r) Retained Carriage Spindle Replacement for Airplanes With an Undocumented Carriage

This paragraph restates the requirements of paragraph (r) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010). For airplanes with an undocumented carriage: Do the applicable actions specified in paragraph (p) or (q) of this AD at the applicable time specified in paragraph (r)(1) or (r)(2) of this AD.

(1) For Model 737–100, –200, –200C series airplanes: Do the actions specified in paragraph (p) of this AD at the time specified in paragraph (p)(1)(ii) of this AD.

(2) For Model –300, –400, and –500 series airplanes: Do the actions specified in paragraph (q) of this AD at the time specified in paragraph (q)(2) of this AD.

(s) Retained Repetitive Replacements of Carriage Spindle

This paragraph restates the requirements of paragraph (s) of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010), with revised compliance times.

(1) For airplanes on which the actions required by paragraph (p) or (q) of this AD, as applicable, have been done as of the effective date of this AD: Repeat the replacement of the carriage spindle specified by paragraph (p) or (q) of this AD, as applicable, one time at the later of the times specified in paragraphs (s)(1)(i) and (s)(1)(ii) of this AD, and thereafter at intervals not to exceed 40,000 total flight cycles on the new or overhauled carriage spindle.

(i) Before the accumulation of 40,000 total flight cycles on the new or overhauled carriage.

(ii) Within 6 years or 15,000 flight cycles after August 31, 2010 (the effective date of AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010)), whichever occurs first.

(2) For airplanes on which the actions required by paragraph (p) or (q) of this AD, as applicable, have not been done as of the effective date of this AD: Repeat the replacement of the carriage spindle specified by paragraph (p) or (q) of this AD, as applicable, thereafter at intervals not to exceed 40,000 total flight cycles on the new or overhauled carriage spindle.

(t) Exception to Compliance Time

Where Boeing Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012, and Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011, specify a compliance time after the dates of those service bulletins, this AD requires compliance within the specified compliance time after the effective date of this AD.

(u) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g) through (s) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–57A1277, Revision 2, dated June 9, 2011, which is not incorporated by reference in this AD.

(v) 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 (w) 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, ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs previously approved in accordance with AD 2003–24–08, Amendment 39–13377 (68 FR 67027, December 1, 2003), or AD 2010–15–08, Amendment 39–16374 (75 FR 43803, July 27, 2010), are approved as AMOCs for individual repairs are acceptable for compliance with the corresponding provisions of this AD. All other existing AMOCs are not acceptable.

(w) Related Information

(1) For more information about this AD, contact Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6440; fax: (425) 917–6590; email: *nancy.marsh@faa.gov*.

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

(x) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on April 22, 2014.

(i) Boeing Alert Service Bulletin 737–57A1218, Revision 6, dated June 9, 2011.

(ii) Boeing Alert Service Bulletin 737–57A1277, Revision 3, dated May 16, 2012.

(4) The following service information was approved for IBR on August 31, 2010 (75 FR 43803, July 27, 2010).

(i) Boeing Alert Service Bulletin 737–57A1218, Revision 5, dated February 9, 2009.

(ii) Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003.

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

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

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

Issued in Renton, Washington, on February 18, 2014.

Ross Landes,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–04819 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0326; Directorate Identifier 2012–NM–089–AD; Amendment 39–17786; AD 2014–05–13]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2004–12–07 for certain The Boeing Company Model 757 series airplanes equipped with Rolls-Royce RB211 engines. AD 2004–12–07 required modification of the nacelle strut and wing structure; and for certain airplanes, repetitive detailed inspections of certain aft bulkhead fasteners for loose or missing fasteners, and corrective action if necessary. For certain other airplanes, AD 2004–12–07 required a one-time detailed inspection of the middle gusset of the inboard side load fitting for proper alignment, and realignment if necessary; a one-time eddy current inspection of certain fastener holes for cracking, and repair if necessary; and a detailed inspection of certain fasteners for loose or missing fasteners, and replacement with new fasteners if necessary. This new AD specifies a maximum compliance time limit. This AD was prompted by reports indicating that the actual operational loads applied to the nacelle are higher than the analytical loads that were used during the initial design. We are issuing this AD to prevent fatigue cracking in primary strut structure and consequent reduced structural integrity of the strut.

DATES: This AD is effective April 22, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of April 22, 2014.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of July 21, 2004 (69 FR 33561, June 16, 2004).

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of January 3, 2000 (64 FR 66370, November 26, 1999).

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0326; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6440; fax: 425–917–6590; email: *Nancy.Marsh@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2004–12–07, Amendment 39–13666 (69 FR 33561, June 16, 2004). AD 2004–12–07 applied to certain The Boeing Company Model 757 series airplanes equipped with Rolls-Royce RB211 engines. The NPRM published in the **Federal Register** on April 15, 2013 (78 FR 22215). The NPRM was prompted by reports indicating that the actual operational loads applied to the nacelle are higher than the analytical loads that were used during the initial design. The NPRM proposed to retain the requirements of AD 2004–12–07, which required modification of the nacelle strut and wing structure; and for certain airplanes, repetitive detailed inspections of certain aft bulkhead fasteners for loose or missing fasteners, and corrective action if necessary. For certain other airplanes, AD 2004–12–07 required a one-time detailed inspection of the middle gusset of the inboard side load fitting for proper alignment, and realignment if necessary; a one-time eddy current inspection of certain fastener holes for cracking, and repair if necessary; and a detailed inspection of certain fasteners for loose or missing fasteners, and replacement with new fasteners if necessary. The NPRM proposed to specify a maximum compliance time limit to modify the nacelle strut and wing structure. We are issuing this AD to prevent fatigue cracking in primary strut structure and consequent reduced structural integrity of the strut.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (78 FR 22215, April 15, 2013) and the FAA's response to each comment.

Support for the NPRM (78 FR 22215, April 15, 2013)

Boeing stated that it concurs with the contents of the NPRM (78 FR 22215, April 15, 2013).

Clarification of Effect of Winglet Installation

Aviation Partners Boeing stated that accomplishing the supplemental type certificate (STC) ST01518SE does not affect the actions specified in the NPRM (78 FR 22215, April 15, 2013).

We concur with the commenter. We have redesignated paragraph (c) of the NPRM (78 FR 22215, April 15, 2013) as (c)(1) and added new paragraph (c)(2) to this final rule to state that installation of STC ST01518SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/48e13cdfbbc32cf4862576a4005d308b/Body/0.48A!OpenElement&FieldElemFormat=gif*) does not affect the ability to accomplish the actions required by this final rule. Therefore, for airplanes on which STC ST01518SE 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.

Request To Clarify Concurrent Requirements

FedEx requested that we clarify the requirements of paragraph (j) of the NPRM (78 FR 22215, April 15, 2013), which specified concurrent actions. FedEx explained that the NPRM requirement and paragraph 1.B., of Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, conflict with the information in paragraph D., of Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011. FedEx stated that paragraph D. of Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, states that Boeing Service Bulletin 757–54–0003, Revision 1, dated August 30, 1985; and Boeing Service Bulletin 757–54–0028, Revision 1, dated August 25, 1994 (the concurrent actions required by paragraph (j) of the NPRM); no longer need to be accomplished.

We agree to clarify the concurrent actions. Table I of paragraph D. in Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, is in error. We have added Note 1 to paragraph (j) of this final rule, which states that paragraph D. of Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, incorrectly states that the actions described in Boeing Service Bulletin 757–54–0003, Revision 1, dated August 30, 1985; and Boeing Service Bulletin 757–54–0028, Revision 1, dated August 25, 1994; no longer need to be accomplished.

Request To Change When Concurrent Actions Are To Be Done

American Airlines (AAL) requested that we change paragraph (j) (concurrent actions) of the NPRM (78 FR 22215, April 15, 2013), which specifies doing the actions at the same time as paragraph (i) of the NPRM, to specify that the concurrent actions are to be done at the same time as the actions required by paragraph (g) of the NPRM. AAL stated that the pylon modification action is mandated by paragraph (g) of the NPRM, and paragraph (i) of the NPRM mandates only the time at which the modification must be accomplished.

We do not agree with the commenter's request because, although the requirement for the modification is first specified in paragraph (g) of this final rule, which is a restatement from AD 2004–12–07, Amendment 39–13666 (69 FR 33561, June 16, 2004), the new requirement is in paragraph (i) of this final rule. Paragraph (i) of this final rule correctly references paragraph (g) of this final rule. If the concurrent actions specified in paragraph (j) of this final rule are to be accomplished at the same time as paragraph (g) of this final rule, as the commenter suggests, that would make the requirement retroactive, and would potentially put operators out of compliance. We have not changed this final rule in this regard.

Request for Repair Credit

AAL requested that we allow credit for repairs specified in paragraph (k) of the NPRM (78 FR 22215, April 15, 2013) that are made ''before the effective date of this AD'' using Boeing Service Bulletin 757–54–0028, dated March 31, 1994; or Boeing Service Bulletin 757–54–0028, Revision 1, dated August 25, 1994.

We do not agree with the commenter's request. Paragraph (k)(1) of this final rule requires that cracking be repaired using a method approved by the FAA as specified in paragraph (n) of the final rule. Boeing Service Bulletin 757–54–0028, dated March 31, 1994; and Boeing Service Bulletin 757–54–0028, Revision 1, dated August 25, 1994; do not contain procedures for repairing cracking, and only specify to contact Boeing if cracking is found. We infer that the commenter is requesting credit for any repair done in accordance with procedures provided by Boeing or with the operator's own methods. The commenter has not provided any details about any such repairs, and therefore we cannot give credit for these repairs. However, under the provisions of paragraph (n) of this final rule, repairs may be approved if substantiating data are provided showing that the repair provides an acceptable level of safety.

For paragraph (k)(2) of this final rule, Boeing Service Bulletin 757–54–0028, Revision 1, dated August 25, 1994, is already specified as the appropriate source of service information for accomplishing repair of the holes. In addition, since Boeing Service Bulletin 757–54–0028, dated March 31, 1994, does not contain procedures for repairing holes, we cannot give credit for Boeing Service Bulletin 757–54–0028, dated March 31, 1994. However, under the provisions of paragraph (n) of this final rule, repairs may be approved if substantiating data are provided showing that the repair provides an acceptable level of safety. We have not changed this final rule in this regard.

Request To Clarify Inspections

AAL requested that we not require the paragraph following the compliance table in paragraph l.E., ''Compliance,'' of Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011. AAL stated that the interim inspections specified in the paragraph following the compliance table in paragraph l.E., ''Compliance,'' of Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, are unclear and that, if required, the inspections should be specified in a new (additional) paragraph.

We agree to clarify. Paragraphs (g) and (i) of this final rule specifically require accomplishment of the modification of the strut as specified in Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, and do not require any interim inspections. Although there are certain inspections specifically required in paragraphs (h) and (j) of this final rule, there are no interim inspections specified in any paragraph of this final rule. Therefore, the interim inspections defined in the paragraph following the table in paragraph l.E., ''Compliance,'' of Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, are not required by this final rule. We have not changed this final rule in this regard.

Request To Do Work Out of Sequence

AAL requested that we allow instructions to be worked out of sequence. AAL stated that by requiring operators to adhere to the sequence of steps as organized in the service information, based on the strictest interpretation, it can place an undue burden on operators and drive longer aircraft out-of-service time. AAL asserted that not allowing instructions to be worked out of sequence prevents operators from working on the wing

structure and the removed pylon structure simultaneously. AAL also stated that without the leeway to work steps out of sequence, if damage is encountered during a particular step, maintenance must wait for a disposition and corrective action for that damage before continuing to the next step.

We partially agree with the commenter's request. We agree with revising the final rule to allow work to be accomplished on the wing structure and the removed pylon structure simultaneously, and for work to be accomplished on both pylons simultaneously, because no detrimental effect on the airplane results from accomplishing the service information in this way.

We disagree with allowing all service information steps to be worked out of sequence. This allowance could be interpreted as allowing service information steps at one pylon, or at one wing location, to be performed out of sequence, which could detrimentally affect the result of the modification.

We also disagree with stating that opposite sides of the strut can be worked at different rates, as some tasks are necessary to be performed in sequence. For further clarification of strut task sequencing, operators may request approval of an AMOC by providing additional details defining the tasks using the procedures defined in paragraph (n) of this final rule.

We have added new paragraph (l) to this final rule, which states that although Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, specifies to work the wing modification before the strut modification, this AD allows for the wing and strut modifications to occur simultaneously. This AD also allows for both struts to be modified simultaneously. We have redesignated subsequent paragraphs accordingly. We have also referenced paragraph (l) in paragraphs (g) and (h) of this final rule.

Request To Require Only Certain Service Information Steps

AAL requested that we require only the steps in the service information that are critical for safety of flight. AAL suggested that only Part II, Steps 6, 7, and 9–12; Part III, Steps 4–24; Part IV, Steps 3–7; and Part VI, Steps 3–16 and 19; of Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, should be required. AAL stated that preparation and open-up and close-up instructions are not necessary to mandate and can be left to operator discretion on the best methods without affecting the ability to address the safety issue that exists.

We do not agree with AAL's request. Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, already allows operator's discretion for certain actions. Note 8 of paragraph 3.B.A., ''General Information,'' of Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, specifies that when the words ''refer to'' are used for a procedure, operators may use an accepted alternative procedure. Note 11 of paragraph 3.B.A., ''General Information,'' of Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, specifies that for access, all the identified parts do not need to be removed if you can get access without removing the identified parts and that additional parts may be removed if needed.

However, due to the complexity of the modification to the strut, certain preparation and installation steps are needed to prevent damage to the strut structure, systems components, and the engine. In addition, a fuel leak check is specified in Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, to ensure that the modification and reassembly were completed and that no hidden damage exists. Therefore, no changes have been made to this final rule in this regard.

Although we have not revised this final rule, we do agree with the concept of minimizing AD requirements when appropriate. The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee (ARC), to enhance the AD system. One enhancement is a new process for annotating which steps in the service information are ''required for compliance'' (RC) with an AD. Differentiating these steps from other tasks in the service information is expected to improve an owner's/operator's understanding of AD requirements and help provide consistent judgment in AD compliance. In response to the AD Implementation ARC, the FAA released AC 20–176, dated December 19, 2011 (*http://rgl.avs.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/a78cc91a47b192278625796b0075f419/$FILE/AC%2020-176.pdf*); and Order 8110.117, dated September 12, 2012 (*http://rgl.avs.faa.gov/Regulatory_and_Guidance_Library/rgOrders.nsf/0/984bb9eb07cdd86986257a7f0070744c/$FILE/Order%208110.117.pdf*), which include the concept of RC. The FAA has begun implementing this concept in ADs when we receive service information containing RC steps. While some design approval holders have implemented the RC concept, the implementation is voluntary. The FAA does not intend to develop or revise AD requirements to incorporate the RC concept if it is not included in the service information.

Contrary to AAL's statement that ADs should mandate only those service bulletin provisions that are necessary to ensure safety of flight, ADs generally contain requirements that are reasonably related to addressing the unsafe condition, as determined by the FAA and the design approval holder that developed the service bulletin. Typically, operators' maintenance programs were not developed in recognition of the unsafe condition that is being addressed by an AD. Whenever we issue an AD, those programs had failed to prevent the unsafe condition in the first place. Therefore, many provisions of ADs address aspects of accomplishing the required maintenance that are necessary to prevent operators from inadvertently aggravating the unsafe condition or introducing new unsafe conditions.

For many years, the Air Transport Association (now Airlines for America, A4A) has sponsored the ''Lead Airline'' program through which individual airlines are provided an opportunity to prototype manufacturers' draft service instructions before they are finalized. One objective of this activity is to minimize the procedures included in the instructions that are considered unnecessary. Therefore, when the FAA receives a manufacturer's service bulletin, we recognize that the procedures specified have been determined to be necessary by both the manufacturer and affected operators. As in this case, the instructions provided in service bulletins referenced in ADs are reasonably related to addressing the unsafe condition.

As always, if AAL or any other operator prefers to address the unsafe condition by means other than those specified in the referenced service information, they may request approval for an alternative method of compliance using the procedures specified in paragraph (n) of this final rule, and, if approved, may use it instead of the procedures specified in the service information.

Request To Correct Typographical Error

AAL requested that we revise paragraph (j)(1) of the NPRM (78 FR 22215, April 15, 2013) to remove the extra word ''dated'' from the service information citation.

We agree to correct the typographical error and have removed the extra word ''dated.''

Additional Change Made to This Final Rule

The information in paragraph (l)(3) of the NPRM (78 FR 22215, April 15, 2013) has been separated into two paragraphs in this final rule (paragraphs (m)(3) and (m)(4) of this final rule). In addition, we changed the reference in paragraph (m)(3) of this final rule to refer to the actions required by paragraph (j)(1) of this final rule. We also changed the reference in paragraph (m)(4) to this final rule to refer to the actions required by paragraph (j)(2) of this final rule. The content has not been changed.

The information in paragraph (m)(4) of the NPRM (78 FR 22215, April 15, 2013) has been added to new paragraph (n)(4) of this final rule. The content has not been changed.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 22215, April 15, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 22215, April 15, 2013).

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

Costs of Compliance

We estimate that this AD affects 176 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification [retained from AD 2004–12–07, Amendment 39–13666 (69 FR 33561, June 16, 2004)].	Up to 1,188 work-hours × $85 per hour = $100,980.	$0	Up to $100,980	Up to $17,772,480.
One-time Inspection [retained from AD 2004–12–07, Amendment 39–13666 (69 FR 33561, June 16, 2004)].	1 work-hour × $85 per hour = $85.	0	$85	$14,960.
Concurrent modification [new action, 30 airplanes].	142 work-hours × $85 per hour = $12,070.	0	$12,070	$362,100.
Concurrent inspection and fastener installation [new action, 12 airplanes].	104 work-hours × $85 per hour = $8,840.	0	$8,840	$106,080.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

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

Authority for this Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2004–12–07, Amendment 39–13666 (69 FR 33561, June 16, 2004), and adding the following new AD:

2014–05–13 The Boeing Company: Amendment 39–17786; Docket No. FAA–2013–0326; Directorate Identifier 2012–NM–089–AD.

(a) Effective Date

This AD is effective April 22, 2014.

(b) Affected ADs

This AD supersedes AD 2004–12–07, Amendment 39–13666 (69 FR 33561, June 16, 2004).

(c) Applicability

(1) This AD applies to The Boeing Company Model 757–200, –200PF, and

–200CB series airplanes, certificated in any category, line numbers 1 through 735 inclusive, equipped with Rolls-Royce RB211 engines.

(2) Installation of Supplemental Type Certificate (STC) ST01518SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/48e13cdfbbc32cf4862576a4005d308b/Body/0.48A!OpenElement&FieldElemFormat=gif*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE 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 54, Nacelles/Pylons.

(e) Unsafe Condition

This AD was prompted by reports indicating that the actual operational loads applied to the nacelle are higher than the analytical loads that were used during the initial design. We are issuing this AD to prevent fatigue cracking in primary strut structure and consequent reduced structural integrity of the strut.

(f) Compliance

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

(g) Retained Modification

This paragraph restates the requirements of paragraph (a) of AD 2004–12–07, Amendment 39–13666 (69 FR 33561, June 16, 2004), with new service information: Modify the nacelle strut and wing structure according to Boeing Service Bulletin 757–54–0035, dated July 17, 1997; Revision 1, dated April 15, 1999; Revision 2, dated June 13, 2002; or Revision 6, dated December 2, 2011; except as specified in paragraph (l) of this AD; at the later of the times specified in paragraph (g)(1) or (g)(2) of this AD, except as required by paragraph (i) of this AD. All of the terminating actions described in paragraph I.C., Table I, ''Strut Improvement Bulletins,'' on page 6 of Boeing Service Bulletin 757–54–0035, dated July 17, 1997; page 7 of Boeing Service Bulletin 757–54–0035, Revision 1, dated April 15, 1999; and on page 7 of Boeing Service Bulletin 757–54–0035, Revision 2, dated June 13, 2002; as applicable; must be accomplished prior to, or concurrently with, the accomplishment of the modification of the nacelle strut and wing structure required by this paragraph. After July 21, 2004 (the effective date of AD 2004–12–07), use only Boeing Service Bulletin 757–54–0035, Revision 2, dated June 13, 2002; or Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011. After the effective date of this AD, use only Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011. Accomplishment of the actions required by paragraph (i) of this AD terminates the requirements of this paragraph.

(1) Prior to the accumulation of 37,500 total flight cycles, or prior to 20 years since the date of manufacture of the airplane, whichever occurs first.

(2) Within 3,000 flight cycles after January 3, 2000 (the effective date of AD 99–24–07, Amendment 39–11431 (64 FR 66370, November 26, 1999)).

(h) Retained Inspection and Repair

This paragraph restates the requirements of paragraph (c) of AD 2004–12–07, Amendment 39–13666 (69 FR 33561, June 16, 2004), with new service information. For airplanes on which the modification required by paragraph (g) of this AD has been done according to Boeing Service Bulletin 757–54–0035, dated July 17, 1997: Within 15,000 flight cycles after doing the modification required by paragraph (g) of this AD, or within 3 years after July 21, 2004 (the effective date of AD 2004–12–07), whichever is later; do a one-time detailed inspection of the middle gusset of the inboard side load fitting for proper alignment, according to Part II of the Accomplishment Instructions of Boeing Service Bulletin 757–54–0035, Revision 1, dated April 15, 1999; or Revision 2, dated June 13, 2002, excluding Evaluation Form; or Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011; except as specified by paragraph (l) of this AD. If the gusset is not aligned properly: Before further flight, machine the gusset to the specified angle according to the Accomplishment Instructions of Boeing Service Bulletin 757–54–0035, Revision 1, dated April 15, 1999; or Revision 2, dated June 13, 2002, excluding Evaluation Form; or Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011. As of the effective date of this AD, use only Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, for accomplishing the actions required by this paragraph.

(i) New Compliance Time Limitation

For airplanes on which the modification of the nacelle strut and wing structure required by paragraph (g) of this AD has not been done as of the effective date of this AD: Do the modification required by paragraph (g) of this AD at the later of the times specified in paragraphs (i)(1) and (i)(2) of this AD.

(1) At the time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, except that where this service bulletin specifies a compliance time ''from the date on Revision 4 of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Within 3,000 flight cycles after January 3, 2000 (the effective date of AD 99–24–07, Amendment 39–11431 (64 FR 66370, November 26, 1999)).

(j) New Concurrent Actions

Concurrently with or prior to the accomplishment of the actions required by paragraph (i) of this AD, do the actions specified in paragraphs (j)(1) and (j)(2) of this AD.

(1) For airplanes identified in Boeing Service Bulletin 757–54–0003, Revision 1, dated August 30, 1985: Modify the nacelle strut upper spar, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 757–54–0003, Revision 1, dated August 30, 1985.

(2) For airplanes identified in Boeing Service Bulletin 757–54–0028, Revision 1, dated August 25, 1994: Do a detailed inspection and non-destructive test inspection for cracking of the lower chord, mid-chord, and holes (for cracking, galling, corrosion, or damage due to fastener removal), in accordance with the Accomplishment Instructions of Boeing Service Bulletin 757–54–0028, Revision 1, dated August 25, 1994.

Note 1 to paragraph (j) of this AD: Paragraph D. of Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, incorrectly states that the actions described in Boeing Service Bulletin 757–54–0003, Revision 1, dated August 30, 1985; and Boeing Service Bulletin 757–54–0028, Revision 1, dated August 25, 1994; no longer need to be accomplished.

(k) Repair

(1) If any cracking is found during any inspection required by paragraph (j)(2) of this AD: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

(2) If any holes with galling, corrosion, or damage due to fastener removal are found during any inspection required by paragraph (j)(2) of this AD: Before further flight, repair the holes, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 757–54–0028, Revision 1, dated August 25, 1994.

(l) Work Sequence Requirement

Although Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011, specifies to work the wing modification before the strut modification, this AD allows for the wing and strut modifications to occur simultaneously. This AD also allows for both struts to be modified simultaneously.

(m) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Service Bulletin 757–54–0035, Revision 4, dated June 18, 2009; or Revision 5, dated June 9, 2011; which are not incorporated by reference in this AD.

(2) This paragraph provides credit for the actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Service Bulletin 757–54–0035, Revision 4, dated June 18, 2009; or Revision 5, dated June 9, 2011; which are not incorporated by reference in this AD.

(3) This paragraph provides credit for the actions required by paragraph (j)(1) of this AD, if those actions were performed before the effective date of this AD using Boeing Service Bulletin 757–54–0003, dated December 14, 1984, which is not incorporated by reference in this AD.

(4) This paragraph provides credit for the actions required by paragraph (j)(2) of this AD, if those actions were performed before the effective date of this AD using Boeing

Service Bulletin 757–54–0028, dated March 31, 1994, which is not incorporated by reference in this AD.

(n) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle 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 (o)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

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

(4) AMOCs approved for AD 2004–12–07, Amendment 39–13666 (69 FR 33561, June 16, 2004), are approved as AMOCs for paragraphs (g) and (h) of this AD, except for AMOCs that approved a revised compliance time.

(o) Related Information

(1) For more information about this AD, contact Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6440; fax: 425–917–6590; email: *Nancy.Marsh@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference may be obtained at the addresses specified in paragraphs (p)(6) and (p)(7) of this AD.

(p) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on April 22, 2014.

(i) Boeing Service Bulletin 757–54–0003, Revision 1, dated August 30, 1985.

(ii) Boeing Service Bulletin 757–54–0028, Revision 1, dated August 25, 1994.

(iii) Boeing Service Bulletin 757–54–0035, Revision 6, dated December 2, 2011.

(4) The following service information was approved for IBR on July 21, 2004 (69 FR 33561, June 16, 2004).

(i) Boeing Service Bulletin 757–54–0035, Revision 1, dated April 15, 1999.

(ii) Boeing Service Bulletin 757–54–0035, Revision 2, dated June 13, 2002.

(5) The following service information was approved for IBR on January 3, 2000 (64 FR 66370, November 26, 1999).

(i) Boeing Service Bulletin 757–54–0035, dated July 17, 1997.

(ii) Reserved.

(6) 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; phone: 206–544–5000, extension 1; fax: 206–766–5680; Internet: *https://www.myboeingfleet.com.*

(7) You may view copies of 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.

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

Issued in Renton, Washington, on February 19, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–04826 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0369; Directorate Identifier 2012–NM–128–AD; Amendment 39–17793; AD 2014–05–20]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 757 airplanes. This AD was prompted by reports of fractured rudder pedal pushrod connecting bolts in a rudder pedal assembly. This AD requires repetitive replacements of the rudder pedal pushrod connecting bolts and repetitive inspections of the rudder pedal assembly bolt holes in each of the captain and the first officer rudder pedal assemblies, and if necessary, repair or replacement of worn rudder pedal assemblies. We are issuing this AD to prevent fracture of the rudder pedal pushrod connecting bolts during pedal use, which could result in large involuntary inputs to the rudder and nose-wheel steering and an asymmetric application of braking, if pedal brakes are applied, leading to a runway excursion.

DATES: This AD is effective April 22, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of April 22, 2014.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 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–2013–0369; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 757 airplanes. The NPRM published in the **Federal Register** on May 10, 2013 (78 FR 27315). The NPRM was prompted by reports of fractured rudder pedal pushrod connecting bolts in a rudder pedal assembly. The NPRM proposed to require repetitive

replacements of the rudder pedal pushrod connecting bolts and repetitive inspections of the rudder pedal assembly bolt holes in each of the captain and the first officer rudder pedal assemblies, and if necessary, repair or replacement of worn rudder pedal assemblies. We are issuing this AD to prevent fracture of the rudder pedal pushrod connecting bolts during pedal use, which could result in large involuntary inputs to the rudder and nose-wheel steering and an asymmetric application of braking, if pedal brakes are applied, leading to a runway excursion.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (78 FR 27315, May 10, 2013) and the FAA's response to each comment.

Request To Reduce the Compliance Time

Air Line Pilots Association International (the commenter) stated that it agrees with the intent of the NPRM (78 FR 27315, May 10, 2013), but requested that we reduce the compliance time from 60 months to 24 months. The commenter provided no justification for this request.

We disagree with the request to revise the compliance time in this final rule. In developing the compliance time for this final rule, we considered not only the safety implications of the identified unsafe condition, but also the average utilization rate of the affected fleet, the practical aspects of an orderly modification of the fleet, the availability of required parts, and the time necessary for the rulemaking process. We find that the compliance time, as proposed, adequately represents an appropriate interval of time in which the required actions can be performed in a timely manner within the affected fleet, while still maintaining an adequate level of safety. We have not changed this final rule in this regard.

Request To Clarify the Unsafe Condition

Boeing requested that we revise the unsafe condition in the NPRM (78 FR 27315, May 10, 2013), and suggested language to clarify the expectation of asymmetric braking, in the event of fracture of the subject bolt. Boeing added that symmetric braking inputs prior to fracture can become asymmetric following bolt fracture due to loss of brake inputs on the affected side.

We agree with the request to revise the unsafe condition for the reasons provided by Boeing. We have revised this final rule to reflect the revised language.

Request To Use One Service Bulletin Revision

Aviation Technical Services, Inc. (the commenter) requested that we revise the NPRM (78 FR 27315, May 10, 2013) to mandate only one version of the service information. The commenter also requested that we require that Boeing combine both versions of the service bulletin specified in the NPRM, into one final revision. The commenter reasoned that having two versions of the service bulletin will require operators and maintenance providers to integrate the two service bulletins in order to comply with the NPRM. The commenter expressed that this burden should be on the original equipment manufacturer (OEM) and the FAA.

The commenter also requested that to further determine the adequacy of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, the FAA should use its own guidance, as provided by FAA Advisory Circular (AC) 20–176, dated December 19, 2011 (*http://rgl.avs.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/a78cc91a47b192278625796b0075f419/$FILE/AC%2020-176.pdf*).

We disagree with the request to provide a single service bulletin version for the required method of compliance. Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, includes only minor corrections to washer part numbers in top kit 012N8932–21 and an additional instruction for getting better access, if necessary, for the detailed inspections required by this final rule. It is not necessary that Boeing combine both revisions of the referenced service bulletin into one final revision.

Also, the design approval holder (DAH) followed the guidance in FAA AC 20–176, dated December 19, 2011 (*http://rgl.avs.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/a78cc91a47b192278625796b0075f419/$FILE/AC%2020-176.pdf*). We approved Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, using the guidance in FAA Order 8110.117, dated September 12, 2012 (*http://rgl.avs.faa.gov/Regulatory_and_Guidance_Library/rgOrders.nsf/0/984bb9eb07cdd86986257a7f0070744c/$FILE/Order%208110.117.pdf*). (Refer to Section 2–11, ''Streamlining Development and Revision of SBs,'' paragraph (c)(5), ''Partial Revision Process—A process in which only changed information in a service bulletin is sent to affected customers,'' of FAA AC 20–176, dated December 19, 2011.) We have not changed this final rule in this regard.

Request for Additional Guidance

Aviation Technical Services, Inc. (the commenter) requested that we revise the NPRM (78 FR 27315, May 10, 2013) to provide sufficient instruction to determine the installation finish associated with the replacement bushing for the rudder pedal pushrod. The commenter reasoned that the instructions provided by Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, refer to Boeing Standard Overhaul Practices Manual (SOPM) 20–50–03 for the shrink fit procedure to install repair bushings, and that the SOPM procedure contain instructions such as: ''Apply the specified installation finish. . . .'' and ''Refer to the overhaul instructions for applicable operations. . . .'' The commenter asserted that neither Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, nor the SOPM provide sufficient instruction to determine the installation finish associated with the replacement bushing for the rudder pedal pushrod.

We disagree to revise this final rule. Step 4 of Figures 3 and 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, already provides procedures for installing bushing 001N0004–1 with BMS 5–95 sealant, as specified in ''the shrink fit'' procedure referred to in Standard Overhaul Practices Manual (SOPM) 20–50–03 (bushing 001N0004–1 is already finished). SOPM 20–50–03 Bearing and Bushing Replacement, Paragraph 7.B, ''Shrink Fit (Temperature Differential) Procedure,'' specifies, among other things, to apply the specified installation finish ''as specified in Paragraph 6B,'' which, in turn, specifies ''Installation with sealant.'' The finish is, in this case, the sealant that is used during the installation (BMS 5–95). Therefore, Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29,

2012, in combination with SOPM 20–50–03, provide sufficient instructions to install the bushing. We have not changed the AD in this regard.

Request To Match Terminology

American Airlines (AAL) requested that we revise the NPRM (78 FR 27315, May 10, 2013) to match certain wording in Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012. AAL explained that Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, refers to bolt part number (P/N) BACB30NM5DK47 as changed to P/N BACB30UU5K48D as the rudder pedal pushrod bolt, while the NPRM refers to this part number as the rudder pedal pushrod connecting bolt. AAL expressed that matching the terminology in Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, would eliminate any possible confusion.

We disagree with the request to match the terminology in this final rule with the terminology found in Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012. The word ''connecting'' was added in the NPRM (78 FR 27315, May 10, 2013) to further clarify that this bolt secures the rudder pedal arm to the rudder pushrod. We have not changed this final rule in this regard.

Request To Use Specific Instructions

AAL requested that we revise the NPRM (78 FR 27315, May 10, 2013) to require only those instructions that correct the unsafe condition. AAL explained that paragraphs (g) and (h) of the NPRM are more restrictive than necessary to ensure safety of flight, and that the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, should not be mandated in their entirety.

AAL requested the following revisions to certain paragraphs of the NPRM (78 FR 27315, May 10, 2013):

• Since paragraph (g) of the NPRM (78 FR 27315, May 10, 2013) specified a detailed inspection of the rudder pedal assembly bolt holes, the only procedure that should be mandated by this paragraph is FIGURE 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.

• Since paragraph (h)(1) of the NPRM (78 FR 27315, May 10, 2013) specified replacement of a new bolt, washer, nut, and cotter pin, the only procedure that should be mandated by this paragraph is FIGURE 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.

• Paragraph (h)(2)(i) of the NPRM (78 FR 27315, May 10, 2013) should be revised as follows: ''Install a new rudder pedal assembly in accordance with 'Condition 2' of the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012; or install a bushing in the worn hole in accordance with FIGURE 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.''

• Paragraph (h)(2)(ii) of the NPRM (78 FR 27315, May 10, 2013) specified installation of a new bolt, washer, nut, and cotter pin in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012. However, Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, does not provide explicit instructions to replace the bolt, washer, nut, and cotter pin in the event that the diameter of only one hole is greater than 0.3140 inch. There is only a note in the procedure to make sure to discard the existing hardware, and to install new hardware as provided in Boeing Kit 0l2N8932–21.

AAL has determined that the instructions provided in FIGURE 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, contain the proper instructions and part numbers to replace the bolt, washer, nut, and cotter pin to correct the unsafe condition. Therefore, the only procedure that should be mandated by this paragraph is FIGURE 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.

• Paragraph (h)(3)(i) of the NPRM (78 FR 27315, May 10, 2013) should be revised as follows: ''Install a new rudder pedal assembly in accordance with 'Condition 2' of the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, or install two bushings in the two worn holes in accordance with FIGURE 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.''

• Paragraph (h)(3)(ii) of the NPRM (78 FR 27315, May 10, 2013) requires installation of a new bolt, washer, nut, and cotter pin in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012. However, Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, does not provide explicit instructions to replace the bolt, washer, nut, and cotter pin in the event that the diameters of both holes are greater than 0.3140 inch. Again, there is only a note in the procedure to make sure to discard the existing hardware, and to install new hardware as provided in Boeing Kit 012N8932–21.

AAL has determined that the instructions provided in FIGURE 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012, contain the proper instructions and part numbers to replace the bolt, washer, nut, and cotter pin to correct the unsafe condition. Therefore, the only procedure that should be mandated by this paragraph is FIGURE 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.

We agree with the concept of minimizing AD requirements when appropriate. However, we do not agree with AAL's request. The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee (ARC), to enhance the AD system. One enhancement is a new

process for annotating which steps in the service information are ''required for compliance'' (RC) with an AD. Differentiating these steps from other tasks in the service information is expected to improve an owner's/operator's understanding of AD requirements and help provide consistent judgment in AD compliance.

In response to the AD Implementation ARC, the FAA released AC 20–176, dated December 19, 2011 (*http://rgl.avs.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/a78cc91a47b192278625796b0075f419/$FILE/AC%2020-176.pdf*); and Order 8110.117, dated September 12, 2012 (*http://rgl.avs.faa.gov/Regulatory_and_Guidance_Library/rgOrders.nsf/0/984bb9eb07cdd86986257a7f0070744c/$FILE/Order%208110.117.pdf*), which include the concept of RC. The FAA has begun implementing this concept in ADs when we receive service information containing RC steps. While some design approval holders have implemented the RC concept, the implementation is voluntary. The FAA does not intend to develop or revise AD requirements to incorporate the RC concept if it is not included in the service information.

Contrary to AAL's statement that ADs should mandate only those service bulletin provisions that are ''necessary to ensure safety of flight,'' ADs generally contain requirements that are reasonably related to addressing the unsafe condition, as determined by the FAA and the design approval holder that developed the service bulletin. Typically, operators' maintenance programs were not developed in recognition of the unsafe condition that is being addressed by an AD. Whenever we issue an AD, those programs had failed to prevent the unsafe condition in the first place. Therefore, many provisions of ADs address aspects of accomplishing the required maintenance that are necessary to prevent operators from inadvertently aggravating the unsafe condition or introducing new unsafe conditions.

For many years, the Air Transport Association (now Airlines for America, A4A) has sponsored the ''Lead Airline'' program through which individual airlines are provided an opportunity to prototype manufacturers' draft service instructions before they are finalized. One objective of this activity is to minimize the procedures included in the instructions that are considered unnecessary. Therefore, when the FAA receives a manufacturer's service bulletin, we recognize that the procedures specified have been determined to be necessary by both the manufacturer and affected operators. As in this case, the instructions provided in service bulletins referenced in ADs are reasonably related to addressing the unsafe condition.

As always, if AAL or any other operator prefers to address the unsafe condition by means other than those specified in the referenced service information, they may request approval for an alternative method of compliance and, if approved, may use it instead of the procedures specified in the service information.

Therefore, no changes have been made to this final rule in this regard.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 27315, May 10, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 27315, May 10, 2013).

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

Costs of Compliance

We estimate that this AD affects 685 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect/replace bolts (Condition 1 in the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012).	5 work-hours × $85 per hour = $425 per inspection cycle.	$217	$642 per inspection cycle.	$439,770 per inspection cycle

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace rudder pedal assembly (Condition 2 in the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012).	2 work-hours × $85 per hour = $170	Unknown	$170
Repair rudder pedal assembly (Condition 3 in the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012).	3 work-hours × $85 per hour = $255	Unknown	$255

ON-CONDITION COSTS—Continued

Action	Labor cost	Parts cost	Cost per product
Repair rudder pedal assembly (Condition 4 in the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012).	4 work-hours × $85 per hour = $340	Unknown	$340

The on-condition costs in the table above are per rudder pedal assembly. Depending on the diameter of the holes found during the inspection, it may be necessary to replace or repair the rudder pedal assemblies. The parts cost to replace or repair the rudder pedal assemblies are not included in the estimate; it is considered ''Parts & Materials Supplied by the Operator,'' which is referenced in Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–05–20 The Boeing Company: Amendment 39–17793; Docket No. FAA–2013–0369; Directorate Identifier 2012–NM–128–AD.

(a) Effective Date

This AD is effective April 22, 2014.

(b) Affected ADs

Certain requirements of this AD terminate the requirements of AD 2001–22–13, Amendment 39–12492 (66 FR 55075, November 1, 2001), for Model 757 airplanes.

(c) Applicability

This AD applies to all The Boeing Company Model 757–200, –200PF, –200CB, and –300 series airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of fractured rudder pedal pushrod connecting bolts in the rudder pedal assembly. We are issuing this AD to prevent fracture of the rudder pedal pushrod connecting bolts during pedal use, which could result in large involuntary inputs to the rudder and nose-wheel steering and an asymmetric application of braking, if pedal brakes are applied, leading to a runway excursion.

(f) Compliance

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

(g) Inspection

Within 60 months after the effective date of this AD, do a detailed inspection of the rudder pedal assembly bolt holes to determine the diameter in each of the captain and the first officer rudder pedal assemblies, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012. Repeat this inspection thereafter at intervals not to exceed 15,000 flight cycles.

(h) Installation

Do the applicable actions specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD for each of the captain and first officer rudder pedal assemblies, based on the results of any inspection required by paragraph (g) of this AD. Accomplishment of paragraph (h)(1), (h)(2), or (h)(3) of this AD terminates the requirements of AD 2001–22–13, Amendment 39–12492 (66 FR 55075, November 1, 2001), for that Model 757 airplane only.

(1) If the diameters of both holes are within 0.3120 and 0.3140 inch on the assembly, before further flight, install a new rudder pedal pushrod connecting bolt, washer, nut, and cotter pin, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.

(2) If the diameter of only one hole is greater than 0.3140 inch on the assembly, before further flight, do the actions specified in paragraphs (h)(2)(i) and (h)(2)(ii) of this AD.

(i) Install a new rudder pedal assembly, or install a bushing in the worn hole, in accordance with the Accomplishment

Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.

(ii) Install a new rudder pedal pushrod connecting bolt, washer, nut, and cotter pin, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.

(3) If the diameters of both holes are greater than 0.3140 inch on the assembly, before further flight, do the actions specified in paragraphs (h)(3)(i) and (h)(3)(ii) of this AD.

(i) Install a new rudder pedal assembly, or install two bushings in the two worn holes, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.

(ii) Install a new rudder pedal pushrod connecting bolt, washer, nut, and cotter pin, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as revised by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.

(i) Parts Installation Prohibition

As of the effective date of this AD, no person may install, in a rudder pedal assembly of any Boeing Model 757 airplane, a bolt having part number (P/N) BACB30NM5DK47.

(j) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g) and (h) of this AD, if operators installed washers having P/N NAS1149D0516J, NAS1149D0532J, and NAS1149D0563J, and if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012, as unmodified by Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

(l) Related Information

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

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

(m) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 757–27A0153, dated May 9, 2012.

(ii) Boeing Alert Service Bulletin 757–27A0153, Revision 1, dated October 29, 2012.

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

(4) You may view this service information at FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on February 19, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–04843 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0327; Directorate Identifier 2011–NM–161–AD; Amendment 39–17794; AD 2014–05–21]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding airworthiness directive (AD) 2008–11–04 for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. AD 2008–11–04 required repetitive inspections for cracking in and around the upper and lower hinge cutouts of the forward entry and forward galley service doorways, and corrective actions if necessary. This new AD reduces the inspection threshold for cracking in and around the galley service doorway hinge cutouts, adds inspections of certain repaired structure at the forward entry and galley service doorway upper and lower hinge cutouts, expands the inspection area at the forward entry and galley service doorway upper and lower hinge cutouts, and removes certain airplanes from the applicability. This AD was prompted by multiple reports of cracks in the skin and/or bear strap at the forward galley service doorway hinge cutouts, and multiple reports of cracking under the repairs installed at the hinge cutouts. We are issuing this AD to detect and correct such cracking, which could result in rapid decompression of the airplane.

DATES: This AD is effective April 22, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 22, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of June 25, 2008 (73 FR 29421, May 21, 2008).

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0327; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *Alan.Pohl@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008). AD 2008–11–04 applied to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on April 16, 2013 (78 FR 22439). The NPRM was prompted by multiple reports of cracks in the skin and/or bear strap at the forward galley service doorway hinge cutouts, and multiple reports of cracking under the repairs installed at the hinge cutouts. The NPRM proposed to reduce the inspection threshold for cracking in and around the galley service doorway hinge cutouts, add inspections of certain repaired structure at the forward entry and galley service doorway upper and lower hinge cutouts, expand the inspection area at the forward entry and galley service doorway upper and lower hinge cutouts, and remove certain airplanes from the applicability. We are issuing this AD to detect and correct such cracking, which could result in rapid decompression of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (78 FR 22439, April 16, 2013) and the FAA's response to each comment.

Request to Add Service Information

Southwest Airlines (SWA) and Boeing requested we add a provision to the NPRM (78 FR 22439, April 16, 2013) to specify that performing a repair in accordance with ''Boeing 737–300/–400/–500 Structural Repair Manual (SRM) 53–10–01, Repair 14 and Repair 15'' is considered terminating action for the requirements of paragraph (j) of the NPRM for the repaired location. Boeing stated that the repairs are in the referenced SRM, and those repairs incorporate the procedures specified in Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012.

We agree that certain SRM repairs meet the conditions specified in Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012. However, to include SRM repairs in this final rule would unnecessarily delay issuance of the final rule. Boeing may apply for a global alternative method of compliance (AMOC) on behalf of the affected operators in accordance with the procedures specified in paragraph (p) of this final rule. We have not changed this final rule in this regard.

Request to Allow Terminating Action for Inspections

All Nippon Airways (ANA) stated that no further action should be necessary if the repair meets the conditions specified in Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, and that this should be addressed in paragraph (k)(3) of the NPRM (78 FR 22439, April 16, 2013), which terminates paragraph (g) of the NPRM.

We agree with the commenter's request. The conditions provided in Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, ensure that the non-SRM repairs were developed to preclude further cracking.

We note that there is no paragraph (k)(3) in the NPRM (78 FR 22439, April 16, 2013), and infer that ANA meant to request that a new paragraph (k)(3) be added to this final rule. Instead, we have added new paragraph (n) to this final rule and redesignated subsequent paragraphs accordingly. New paragraph (n) of this final rule states that the inspections required by paragraph (j) of this final rule may be terminated at areas with repairs installed prior to the effective date of this final rule if those repairs meet the conditions specified in Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012.

Request to Include AMOC Approval

Boeing requested that we modify paragraph (o)(4) of the NPRM (78 FR 22439, April 16, 2013) (paragraph (p)(4) in this final rule) to include the additional conditions shown in Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012. Boeing stated that the paragraph should state that AMOCs approved previously for paragraphs (f) and (i) of AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008), are approved as AMOCs for the corresponding provisions of paragraphs (g) and (i) of the NPRM, provided that the repairs meet the criteria of Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012. Boeing stated that the conditions provided in Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, ensure that the repairs were developed to preclude post-modification cracking.

We do not agree with the commenter's request. The commenter's concerns are adequately addressed in paragraph (k)(2) of this final rule, which requires additional actions when repairs do not meet the conditions specified in Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, whether or not the repair was approved previously as an AMOC for AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008). We have not changed this final rule in this regard.

Request to Add AMOC Approval for Paragraph (g) of the NPRM (78 FR 22439, April 16, 2013)

ANA requested that we add a new paragraph (o)(5) to the NPRM (78 FR 22439, April 16, 2013) to clarify that AMOCs approved previously for the requirements of paragraph (f) of AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008), are approved as AMOCs for paragraph (g) of the NPRM. ANA stated that if the repair meets the criteria specified in Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, then the inspection required by paragraph (g) of the NPRM should be terminated even if an AMOC statement in FAA Form 8100–9 (Statement of Compliance with Airworthiness Standards) is not the same as paragraph (o)(4) of the NPRM. ANA asserted that a new AMOC to the NPRM will be necessary if the AMOC statement only refers to paragraph (f) of AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008).

We do not agree. Paragraph (p)(4) of this final rule (which was designated as paragraph (o)(4) of the NPRM (78 FR 22439, April 16, 2013)), as currently worded, addresses ANA's concern. A repair which has an AMOC for only paragraph (f) of AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008), would be approved as an AMOC for the corresponding provisions of paragraph (g) of this final rule.

Further, we understand ANA to mean that this particular repair satisfies the conditions specified in Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012. If this is the case, then new paragraph (n) of this final rule, discussed previously, means that this repair satisfies the requirements of paragraph (j) of this final rule, which would terminate the inspection requirements of paragraph (f) of AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008) in the repaired area. We have not changed this final rule in this regard.

Request to Change Optional Terminating Action Paragraph (i) of the NPRM (78 FR 22439, April 16, 2013)

SWA requested that we delete Note 1 to paragraph (i) of the NPRM (78 FR 22439, April 16, 2013), which states that ''Guidance on repairs can be found in Boeing 737–100/–200 SRM 53–30–1, Figure 20, 21, 31, or 32; or Boeing 737–300/–400/–500 SRM 53–10–01, Repair 5, 6, or 8; as applicable.'' SWA noted that Boeing 737–300/–500 SRM 53–10–01, Repairs 5, 6, and 8 have been removed as they are no longer applicable. SWA stated that the NPRM (78 FR 22439, April 16, 2013) is in error when it states that guidance on repairs can be found in these locations.

We agree with SWA's request. Subsequent to the issuance of AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008), Boeing removed the noted SRM repairs from the 737–300/–400/–500 SRMs. For the Boeing 737–100/200 SRM, the noted repairs were not removed, but each page was watermarked OBSOLETE. For clarity, we have deleted Note 1 to paragraph (i) of this final rule.

Boeing requested that we not retain paragraph (i) from AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008). Boeing asserted that paragraph (i) of AD 2008–11–04 provides terminating actions for airplanes on which areas were repaired in accordance with ''Boeing 737–100/–200 SRM 53–30–1, Figures 20, 21, 31, or 32; or Boeing 737–300/–400/–500 SRM 53–10–01, Repair 5, 6, or 8.'' Boeing stated that allowing the repairs listed in paragraph (i) of the NPRM (78 FR 22439, April 16, 2013) as terminating action would conflict with Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, and paragraph (k) of the NPRM. Boeing added that Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, requires follow-on inspections for SRM repairs, which are required based on fleet reports showing crack susceptibility after the repair has been installed. Boeing stated that new repairs are now provided in the SRM.

We disagree with the commenter's request. Paragraph (i) of AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008), is not retained as written in AD 2008–11–04, but rather it is retained ''. . . with revised method of compliance language. . . .'' Paragraph (i) states, ''The inspections specified in paragraph (g) of this AD may be terminated at areas repaired using a method approved in accordance with the procedures specified in paragraph (p) [AMOC] of this AD.'' Thus, operators cannot continue to install the noted obsolete/removed repairs specified previously in AD 2008–11–04. Boeing has addressed repairs installed previously by providing inspections for them in Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012. These inspections are mandated by paragraph (k) of this final rule. We have not changed this final rule in this regard.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 22439, April 16, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 22439, April 16, 2013).

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

Costs of Compliance

We estimate that this AD affects 547 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections [actions retained from AD 2008-11-04, Amendment 39-15526 (73 FR 29421, May 21, 2008)].	Up to 73 work-hours × $85 per hour = $6,205 per inspection cycle.	$0	Up to $6,205 per inspection cycle.	Up to $3,394,135 per inspection cycle.
Inspection [new action]	Up to 34 work-hours × $85 per hour = $2,890 per inspection cycle.	0	Up to $2,890 per inspection cycle.	Up to $1,580,830 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 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 have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008), and adding the following new AD:

2014–05–21 The Boeing Company: Amendment 39–17794; Docket No. FAA–2013–0327; Directorate Identifier 2011–NM–161–AD.

(a) Effective Date

This AD is effective April 22, 2014.

(b) Affected ADs

This AD supersedes AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008).

(c) Applicability

This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by multiple reports of cracks in the skin and/or bear strap at the forward galley service doorway hinge cutouts, and multiple reports of cracking under the repairs installed at the hinge cutouts. We are issuing this AD to detect and correct such cracking, which could result in rapid decompression of the airplane.

(f) Compliance

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

(g) Retained Repetitive Inspections

This paragraph restates the requirements of paragraph (f) of AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008). Except as provided by paragraph (h)(1) of this AD, at the applicable times specified in paragraph 1.E. ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1200, dated April 13, 2006, do external detailed, low frequency eddy current (LFEC), high frequency eddy current (HFEC), and HFEC rotary probe inspections, as applicable, for cracks in and around the upper and lower hinge cutouts of the forward entry and forward galley service doorways, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1200, dated April 13, 2006, except as provided by paragraphs (h)(2) and (i) of this AD. Do not exceed the applicable repetitive interval for the previous inspection, as specified in Boeing Alert Service Bulletin 737–53A1200, dated April 13, 2006, as Option A or Option B. Repair any crack before further flight using a method approved in accordance with the procedures specified in paragraph (p) of this AD. Accomplishment of the actions required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to Service Bulletin Specifications

This paragraph restates the requirements of paragraphs (g) and (h) of AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008).

(1) Where Boeing Alert Service Bulletin 737–53A1200, dated April 13, 2006, specifies a compliance time after the release date of that service bulletin, this AD requires compliance within the specified compliance time after June 25, 2008 (the effective date of AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008)).

(2) Although Boeing Alert Service Bulletin 737–53A1200, dated April 13, 2006, specifies contacting Boeing for information about installing an optional preventive modification that would terminate the repetitive inspections specified in paragraph (g) of this AD, this AD requires that any terminating action be done by using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(i) Retained Optional Terminating Action

This paragraph restates the optional terminating action specified paragraph (i) of AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008), with revised method of compliance language and removal of note 1 to paragraph (i) of this AD. The inspections specified in paragraph (g) of this AD may be terminated at areas repaired using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(j) New Repetitive Inspections and Repair

Except as required by paragraph (l)(1) of this AD, at the applicable times specified in Paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012: Do an external and internal detailed inspection, HFEC inspection, and HFEC hole probe inspection, at the forward entry and galley service doorway upper and lower hinge cutouts for cracking in the skin, bonded doubler, bearstrap, and frame outer chord, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, except as required by paragraph (m) of this AD. Options provided in Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, for accomplishing the inspections are acceptable for compliance with the corresponding requirements of this paragraph. Repeat the applicable inspections thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012. If any crack is found, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (p) of this AD. Accomplishment of the initial

inspections terminates the requirements of paragraph (g) of this AD.

(k) New Actions for Airplanes With Certain Repairs Installed

(1) For airplanes with any structural repair manual (SRM) repair specified in paragraphs (k)(1)(i) through (k)(1)(vii) of this AD installed, at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012: Do an external and internal detailed inspection, HFEC inspection, and LFEC inspection, at the forward entry and galley service doorway upper and lower hinge cutouts for cracking in the skin, bearstrap, and frame outer chord, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, except as required by paragraph (l)(2) of this AD. Repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012. If any crack is found, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(i) Repair specified in Boeing 737–100/–200 SRM 53–30–03, Figure 21.

(ii) Repair specified in Boeing 737–100/200 SRM 53–30–03, Figure 31.

(iii) Repair 5 specified in Boeing 737–300 SRM 53–10–01; Repair 5 specified in Boeing 737–400 SRM 53–10–01; or Repair 5 specified in Boeing 737–500 SRM 53–10–01; installed at the upper or lower hinge cutout.

(iv) Repair specified in Boeing 737–100/200 SRM 53–30–03, Figure 20.

(v) Repair 6 specified in Boeing 737–300 SRM 53–10–01; Repair 6 specified in Boeing 737–400 SRM 53–10–01; or Repair 6 specified in Boeing 737–500 SRM 53–10–01.

(vi) Repair 8 specified in Boeing 737–300 SRM 53–10–01; Repair 8 specified in Boeing 737–400 SRM 53–10–01; or Repair 8 specified in Boeing 737–500 SRM 53–10–01.

(vii) Repair specified in Boeing 737–100/200 SRM 53–30–03, Figure 32.

(2) For airplanes with any repair installed at the forward entry doorway or forward galley doorway, upper or lower hinge cutout, that does not meet the conditions specified in Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012: Except as required by paragraph (l) of this AD, at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, contact the Manager, Seattle ACO, FAA, for instructions, using the procedures specified in paragraph (p) of this AD, and do the actions required by the FAA.

(l) New Exception to Service Bulletin Specifications

(1) Where Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, specifies a compliance time after the issue date of Boeing Service Bulletin 737–53A1200, Revision 1, dated July 7, 2011, this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012, specifies to contact Boeing for further instructions, this AD requires contacting the Manager, Seattle Aircraft Certification Office (ACO), FAA, for instructions and doing the actions required by the FAA, using the procedures specified in paragraph (p) of this AD.

(m) Exception for Group 5 Airplanes

For Group 5 airplanes identified in Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012: Before further flight, contact the Manager, Seattle ACO, FAA, for instructions, using the procedures specified in paragraph (p) of this AD, and do the actions required by the FAA.

(n) Terminating Actions

The inspections required by paragraph (j) of this AD may be terminated at areas with repairs installed prior to the effective date of this AD, provided the repairs meet the conditions specified in Note 10 of paragraph 3.A., ''General Information,'' of the Accomplishment Instructions of Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012.

(o) Credit for Previous Actions

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 Boeing Alert Service Bulletin 737–53A1200, Revision 1, dated July 7, 2011, which is not incorporated by reference in this AD.

(p) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle 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 (q)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

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

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

(4) AMOCs approved previously for paragraphs (f) and (i) of AD 2008–11–04, Amendment 39–15526 (73 FR 29421, May 21, 2008), are approved as AMOCs for the corresponding provisions of paragraphs (g) and (i) of this AD.

(q) Related Information

(1) For more information about this AD, contact Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *Alan.Pohl@faa.gov*.

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

(r) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on April 22, 2014.

(i) Boeing Service Bulletin 737–53A1200, Revision 2, dated September 12, 2012.

(ii) Reserved.

(4) The following service information was approved for IBR on June 25, 2008 (73 FR 29421, May 21, 2008).

(i) Boeing Alert Service Bulletin 737–53A1200, dated April 13, 2006.

(ii) Reserved.

(5) 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; phone: 206–544–5000, extension 1; fax: 206–766–5680; Internet: *https://www.myboeingfleet.com*.

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

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

Issued in Renton, Washington, on February 19, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–04838 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0689; Directorate Identifier 2012–NM–225–AD; Amendment 39–17791; AD 2014–05–18]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc.

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Bombardier, Inc. Model DHC–8–400 series airplanes. This AD was prompted by a report that a batch of main landing gear (MLG) door actuators with a certain part number having certain serial numbers could be assembled with the scraper installed backward. This AD requires repetitive functional checks of the MLG alternate extension system (AES) and eventual replacement of certain MLG door actuators with actuators that have either been reworked or do not have certain serial numbers. We are issuing this AD to prevent incorrectly installed scrapers, which could hinder the operation of the MLG AES, and result in failure of the MLG AES on one side, and consequent unsafe asymmetrical landing configuration.

DATES: This AD becomes effective April 22, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 22, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0689*; or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com*; Internet *http://www.bombardier.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425 227–1221.

FOR FURTHER INFORMATION CONTACT: Luke Walker, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7363; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Bombardier, Inc. Model DHC–8–400 series airplanes. The NPRM published in the **Federal Register** on August 13, 2013 (78 FR 49240). The NPRM was prompted by a report that a batch of main landing gear (MLG) door actuators with a certain part number having certain serial numbers could be assembled with the scraper installed backward. The NPRM proposed to require repetitive functional checks of the MLG alternate extension system (AES) and eventual replacement of certain MLG door actuators with actuators that have either been reworked or do not have certain serial numbers. We are issuing this AD to prevent incorrectly installed scrapers, which could hinder the operation of the MLG AES, and result in failure of the MLG AES on one side, and consequent unsafe asymmetrical landing configuration.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2012–28R1, dated November 26, 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:

> It was discovered that a batch of [main landing gear] MLG door actuators, [part number] P/N 46830–7, may be assembled with the scraper installed backwards. This condition, if not corrected, could result in increased actuator friction, which could hinder operation of the MLG alternate extension system (AES). In the case of a failure of the primary MLG extension system, the failure of the MLG AES on one side will lead to an unsafe asymmetrical landing configuration.
>
> This [Canadian] AD mandates the repetitive functional check of the AES until replacement of the affected MLG door actuators.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0689-0003*.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (78 FR 49240, August 13, 2013) and the FAA's response to each comment.

Request To Correct Typographical Error

Horizon Air noted that the part number of the MLG door actuator was incorrect in paragraphs (i) and (k) of the NPRM (78 FR 49240, August 13, 2013). The correct part number is 46830–7 but is specified as 16830–7 in paragraphs (i) and (k) of the NPRM.

We agree there was an error regarding the part number of the MLG door actuator in paragraphs (i) and (k) of the NPRM (78 FR 49240, August 13, 2013) and have corrected the part number in paragraphs (i) and (k) of this final rule.

Request To Clarify Which MLG Actuators Require a Functional Check

Horizon Air stated that paragraph (h) of the NPRM (78 FR 49240, August 13, 2013) does not clearly define the conditions that require a functional check of the MLG AES. Horizon Air commented that the wording of paragraph (h) of the NPRM implied that all MLG door actuators having part number (P/N) 46830–7 must have a functional check accomplished, in accordance with Part A of the Accomplishment Instructions of Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012. Horizon Air noted that airplanes having MLG actuators that are clearly outside of the affected group do not need a MLG AES functional check. The commenter recommended that the airplanes subject to the functional check of paragraph (h) of the NPRM be changed to those with ''. . . any MLG door actuator having P/N 46830–7 and a serial number included in paragraph 1.A., 'Effectivity,' of Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012, or the P/N is unable to be determined.''

We agree with the commenter and have revised paragraph (h) of this final rule to clarify that only MLG door actuators having P/N 46830–7 and a serial number included in paragraph 1.A. ''Effectivity,'' of Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012, or a part number that cannot be determined, require a functional check.

Request To Require Only Certain Section of the Service Information

One commenter, Mattson, requested that the language in the NPRM (78 FR 49240, August 13, 2013) be changed

from mandating that the required actions be accomplished in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012, to specifically stating that the required actions be accomplished in accordance with Section B, ''Procedures,'' of the Accomplishment Instructions. The commenter stated that only the actions in Section B of the service information address the unsafe condition, and the FAA should not dictate the working environment for implementing the correction to the unsafe condition. The commenter asserted that requiring operators to follow the procedures in Section A, ''Job Setup,'' and Section C, ''Closeout,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012, forces them to have the airplane in a specific condition and keep it in that condition while performing the corrective action. Furthermore, if an operator wanted to deviate from an action specified in Section A or Section C of the service information, it would have to request an alternative method of compliance (AMOC), which would increase the cost of compliance with the proposed AD.

We agree to clarify the required actions. Paragraphs (h) and (i) of the NPRM (78 FR 49240, August 13, 2013) do not require the actions in paragraphs 3.A., ''Job Set-Up,'' and 3.C., ''Close Out,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–2–108, Revision A, dated October 1, 2012. The actions required by paragraphs (h) and (i) of the NPRM must be done in accordance with Part A, ''Inspection,'' and Part B, ''Actuator Replacement,'' of paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–2–108, Revision A, dated October 1, 2012. For clarity, we have revised paragraphs (h) and (i) of this final rule to include the reference to paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of the service information.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 49240, August 13, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 49240, August 13, 2013).

Costs of Compliance

We estimate that this AD affects 2 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Records check, functional check, replacement of actuators ..	17 work-hours × $85 per hour = $1,445.	$128	$1,573	$3,146

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

Examining the AD Docket

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0689-0003*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–05–18 Bombardier, Inc.: Amendment 39–17791. Docket No. FAA–2013–0689; Directorate Identifier 2012–NM–225–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective April 22, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by a report that a batch of main landing gear (MLG) door actuators with a certain part number having certain serial numbers could be assembled with the scraper installed backward. We are issuing this AD to prevent incorrectly installed scrapers, which could hinder the operation of the MLG alternate extension system (AES), and result in failure of the MLG AES on one side, and consequent unsafe asymmetrical landing configuration.

(f) Compliance

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

(g) Inspection to Determine Part Number of MLG Door Actuators

Within 50 flight hours after the effective date of this AD, inspect the MLG door actuators to determine whether part number (P/N) 46830–7 is installed. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the MLG door actuator can be conclusively determined from that review.

(h) Functional Check of the MLG AES

If, during the inspection to determine the part number of the MLG actuators as required by paragraph (g) of this AD, any MLG door actuator having P/N 46830–7 and a serial number included in paragraph 1.A. ''Effectivity,'' of Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012, is found; or if the part number is unable to be determined: At the applicable time specified in paragraph (h)(1) or (h)(2) of this AD, do a functional check of the MLG AES, in accordance with Part A of paragraph 3.B. ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012. Repeat the functional check thereafter at intervals not to exceed 50 flight cycles until the actions required by paragraph (i) of this AD are done. If the force applied during the functional check exceeds 67 pound-force (lbf), before further flight, replace the affected actuator, in accordance with Part B of paragraph 3.B. ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012.

(1) For airplanes with MLG door actuators that have accumulated more than 950 total flight hours as of the effective date of this AD: Within 50 flight hours after the effective date of this AD.

(2) For airplanes with MLG door actuators that have accumulated 950 total flight hours or less as of the effective date of this AD: Within 1,000 flight hours after the effective date of this AD.

(i) Terminating Action for Repetitive Functional Checks

At the earlier of the times specified in paragraphs (i)(1) and (i)(2) of this AD: Replace all MLG door actuators having P/N 46830–7 and a serial number included in paragraph 1.A. ''Effectivity,'' of Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012, with MLG door actuators reworked in accordance with Part B of paragraph 3.B. ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012, or with a MLG door actuator having P/N 46830–7 and a serial number that is not included in section 1.A. ''Effectivity,'' of Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012. Installation of a MLG door actuator having P/N 46830–7 with ''Mod Status 32–106'' on the identification plate is acceptable for compliance with the requirements of this paragraph.

(1) Prior to the accumulation of 3,000 total flight hours on any MLG door actuator, or within 50 flight hours after the effective date of this AD, whichever occurs later.

(2) Within 12 months or 2,000 flight hours after the effective date of this AD, whichever occurs first.

(j) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (i) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–32–108, dated September 6, 2012, which is not incorporated by reference in this AD.

(k) Parts Installation Limitation

As of the effective date of this AD, no person may install a MLG door actuator having P/N 46830–7, with a serial number identified in paragraph 1.A. ''Effectivity,'' of Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012, unless ''Mod Status 32–106'' is on the identification plate.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2012–28R1, dated November 26, 2012, for related information. The MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0689-0003*.

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

(n) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 84–32–108, Revision A, dated October 1, 2012.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com*; Internet *http://www.bombardier.com*.

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

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

Issued in Renton, Washington, on February 19, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–04851 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30949; Amdt. No. 512]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: Effective 0901 UTC, April 3, 2014.

FOR FURTHER INFORMATION CONTACT: Harry Hodges, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC, on February 28, 2014.

John Duncan,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, April 03, 2014.

PART 95 [AMENDED]

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT

[Amendment 512 effective date April 03, 2014]

From	To	MEA	MAA
§ 95.3000 Low Altitude RNAV Routes			
§ 95.3240 RNAV Route T240 Is Amended To Read in Part			
TEGDE, AK FIX	DERIK, AK FIX	9700	17500
*4700—MCA DERIK, AK FIX, S BND			
§ 95.3290 RNAV Route T290 Is Added To Read			
SCAIL, AL WP	BBAIT, GA WP	4000	17500
BBAIT, GA WP	BBASS, GA WP	3500	17500
BBASS, GA WP	BBOAT, GA WP	2500	17500
BBOAT, GA WP	BOBBR, GA WP	2400	17500
BOBBR, GA WP	JACET, GA WP	2400	17500
§ 95.3292 RNAV Route T292 Is Added To Read			
RKMRT, GA WP	POLLL, GA WP	2900	17500
POLLL, GA WP	CCATT, GA WP	3600	17500
CCATT, GA WP	REELL, GA WP	3700	17500
REELL, GA WP	TRREE, GA WP	2600	17500
TRREE, GA WP	JACET, GA WP	2400	17500
§ 95.3293 RNAV Route T293 Is Added To Read			
CHUTT, AL WP	NFTRY, GA WP	2600	17500
NFTRY, GA WP	RTLRY, GA WP	3200	17500

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 512 effective date April 03, 2014]

From	To	MEA	MAA
RTLRY, GA WP	HONRR, GA WP	3300	17500
HONRR, GA WP	POLLL, GA WP	3300	17500
POLLL, GA WP	DAISI, GA WP	4700	17500
§ 95.3294 RNAV Route T294 Is Added To Read			
HEFIN, AL FIX	BBAIT, GA WP	4000	17500
BBAIT, GA WP	JMPPR, GA WP	3500	17500
JMPPR, GA WP	GRANT, GA FIX	3000	17500
§ 95.3296 RNAV Route T296 Is Added To Read			
JMPPR, GA WP	BBASS, GA WP	3000	17500
BBASS, GA WP	TATRS, GA WP	2500	17500
TATRS, GA WP	TACKL, GA WP	2500	17500
§ 95.3297 RNAV Route T297 Is Added To Read			
PAIRA, GA WP	NFTRY, GA WP	3400	17500
NFTRY, GA WP	HEFIN, AL FIX	3400	17500
HEFIN, AL FIX	RKMRT, GA WP	3200	17500
RKMRT, GA WP	CHTTE, GA WP	2900	17500
CHTTE, GA WP	DAISI, GA WP	4000	17500
DAISI, GA WP	AWSON, GA FIX	5000	17500
AWSON, GA FIX	REELL, GA WP	3300	17500
§ 95.3319 RNAV Route T319 Is Added To Read			
CCLAY, GA WP	DUNCS, GA WP	2700	17500
DUNCS, GA WP	SHURT, GA WP	2700	17500
SHURT, GA WP	KLOWD, GA WP	3100	17500
KLOWD, GA WP	BLEWW, GA WP	3100	17500
§ 95.3321 RNAV Route T321 Is Added To Read			
BBOAT, GA WP	TACKL, GA WP	2500	17500
TACKL, GA WP	REELL, GA WP	2600	17500
REELL, GA WP	BIGNN, GA WP	3700	17500
§ 95.3323 RNAV Route T323 Is Added To Read			
CROCS, GA WP	BOBBR, GA WP	2300	17500
BOBBR, GA WP	BIGNN, GA WP	2700	17500
BIGNN, GA WP	ZPPLN, NC WP	7000	17500
ZPPLN, NC WP	HIGGI, NC WP	7400	17500
§ 95.4000 High Altitude RNAV Routes			
§ 95.4022 RNAV Route Q22 Is Amended To Read in Part			
GUSTI, LA FIX	OYSTY, LA FIX	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
OYSTY, LA FIX	ACMES, AL WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
ACMES, AL WP	CATLN, AL FIX	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
Is Amended By Adding			
CATLN, AL FIX	TWOUP, GA WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
TWOUP, GA WP	SPARTANBURG, SC VORTAC	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
SPARTANBURG, SC VORTAC	NYBLK, NC WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
NYBLK, NC WP	MASHI, NC WP	*18000	45000
*18000—GNSS MEA			

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 512 effective date April 03, 2014]

From	To	MEA	MAA
*DME/DME/IRU MEA			
MASHI, NC WP	KIDDO, NC WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
KIDDO, NC WP	OMENS, VA WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
OMENS, VA WP	BEARI, VA WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
§ 95.4039 RNAV Route Q39 Is Added To Read			
CLAWD, NC WP	TARCI, WV FIX	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
§ 95.4040 RNAV Route Q40 Is Amended To Read in Part			
ALEXANDRIA, LA VORTAC	DOOMS, MS WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
DOOMS, MS WP	WINAP, MS WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
WINAP, MS WP	MISLE, AL WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
Is Amended By Adding			
MISLE, AL WP	BFOLO, AL WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
BFOLO, AL WP	NIOLA, GA WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
NIOLA, GA WP	JAARE, TN WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
JAARE, TN WP	OJESS, TN WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
OJESS, TN WP	ALEAN, VA WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
ALEAN, VA WP	FEEDS, VA WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
FEEDS, VA WP	MAULS, VA WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
MAULS, VA WP	FANPO, VA WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
§ 95.4050 RNAV Route Q50 Is Added To Read			
LOUISVILLE, KY VORTAC	HELUB, KY WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
HELUB, KY WP	ENGRA, KY WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
ENGRA, KY WP	IBATE, KY WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			
IBATE, KY WP	CUBIM, KY WP	*18000	45000
*18000—GNSS MEA			
*DME/DME/IRU MEA			

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 512 effective date April 03, 2014]

From	To	MEA	MAA
§ 95.4052 RNAV Route Q52 Is Added To Read			
CHOPZ, GA WP *18000—GNSS MEA *DME/DME/IRU MEA	IPTAY, GA WP	*18000	45000
IPTAY, GA WP *18000—GNSS MEA *DME/DME/IRU MEA	AWYAT, SC WP	*18000	45000
AWYAT, SC WP *18000—GNSS MEA *DME/DME/IRU MEA	COLZI, NC FIX	*18000	45000
§ 95.4054 RNAV Route Q54 Is Added To Read			
GREENWOOD, SC VORTAC *18000—GNSS MEA *DME/DME/IRU MEA	NYLLA, SC WP	*18000	45000
NYLLA, SC WP *18000—GNSS MEA *DME/DME/IRU MEA	CHYPS, NC WP	*18000	45000
CHYPS, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	AHOEY, NC WP	*18000	45000
AHOEY, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	RAANE, NC WP	*18000	45000
RAANE, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	NUTZE, NC WP	*18000	45000
§ 95.4056 RNAV Route Q56 Is Added To Read			
CATLN, AL FIX *18000—GNSS MEA *DME/DME/IRU MEA	KBLER, GA WP	*18000	45000
KBLER, GA WP *18000—GNSS MEA *DME/DME/IRU MEA	KELLN, SC WP	*18000	45000
KELLN, SC WP *18000—GNSS MEA *DME/DME/IRU MEA	KTOWN, NC WP	*18000	45000
KTOWN, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	BYSCO, NC WP	*18000	45000
BYSCO, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	JOOLI, NC WP	*18000	45000
JOOLI, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	NUUMN, NC WP	*18000	45000
NUUMN, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	ORACL, NC WP	*18000	45000
ORACL, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	KIWII, VA WP	*18000	45000
§ 95.4058 RNAV Route Q58 Is Added To Read			
KELLN, SC WP *18000—GNSS MEA *DME/DME/IRU MEA	GLOVR, NC FIX	*18000	45000
GLOVR, NC FIX *18000—GNSS MEA *DME/DME/IRU MEA	LUMAY, NC WP	*18000	45000
LUMAY, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	STUKI, NC WP	*18000	45000
STUKI, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	PEETT, NC WP	*18000	45000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 512 effective date April 03, 2014]

From	To	MEA	MAA
§ 95.4060 RNAV Route Q60 Is Added To Read			
SPARTANBURG, SC VORTAC *18000—GNSS MEA *DME/DME/IRU MEA	BYJAC, NC FIX	*18000	45000
BYJAC, NC FIX *18000—GNSS MEA *DME/DME/IRU MEA	EVING, NC WP	*18000	45000
EVING, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	LOOEY, VA WP	*18000	45000
LOOEY, VA WP *18000—GNSS MEA *DME/DME/IRU MEA	JAXSN, VA FIX	*18000	45000
§ 95.4063 RNAV Route Q63 Is Added To Read			
DOOGE, VA WP *18000—GNSS MEA *DME/DME/IRU MEA	HAPKI, KY WP	*18000	45000
HAPKI, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	TONIO, KY WP	*18000	45000
TONIO, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	OCASE, KY WP	*18000	45000
OCASE, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	HEVAN, IN WP	*18000	45000
§ 95.4064 RNAV Route Q64 Is Added To Read			
CATLN, AL FIX *18000—GNSS MEA *DME/DME/IRU MEA	FIGEY, GA WP	*18000	45000
FIGEY, GA WP *18000—GNSS MEA *DME/DME/IRU MEA	GREENWOOD, SC VORTAC	*18000	45000
GREENWOOD, SC VORTAC *18000—GNSS MEA *DME/DME/IRU MEA	DARRL, SC FIX	*18000	45000
DARRL, SC FIX *18000—GNSS MEA *DME/DME/IRU MEA	IDDAA, NC WP	*18000	45000
IDDAA, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	TAR RIVER, NC VORTAC	*18000	45000
§ 95.4065 RNAV Route Q65 Is Added To Read			
JEFOI, GA WP *18000—GNSS MEA *DME/DME/IRU MEA	CESKI, GA WP	*18000	45000
CESKI, GA WP *18000—GNSS MEA *DME/DME/IRU MEA	DAREE, GA WP	*18000	45000
DAREE, GA WP *18000—GNSS MEA *DME/DME/IRU MEA	LORNN, TN WP	*18000	45000
LORNN, TN WP *18000—GNSS MEA *DME/DME/IRU MEA	SOGEE, TN WP	*18000	45000
SOGEE, TN WP *18000—GNSS MEA *DME/DME/IRU MEA	ENGRA, KY WP	*18000	45000
ENGRA, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	OCASE, KY WP	*18000	45000
OCASE, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	ROSEWOOD, OH VORTAC	*18000	45000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 512 effective date April 03, 2014]

From	To	MEA	MAA
§ 95.4066 RNAV Route Q66 Is Added To Read			
LITTLE ROCK, AR VORTAC *18000—GNSS MEA *DME/DME/IRU MEA	CIVKI, AR WP	*18000	45000
CIVKI, AR WP *18000—GNSS MEA *DME/DME/IRU MEA	RICKX, AR WP	*18000	45000
RICKX, AR WP *18000—GNSS MEA *DME/DME/IRU MEA	TROVE, TN WP	*18000	45000
TROVE, TN WP *18000—GNSS MEA *DME/DME/IRU MEA	BAZOO, TN WP	*18000	45000
BAZOO, TN WP *18000—GNSS MEA *DME/DME/IRU MEA	METWO, TN WP	*18000	45000
METWO, TN WP *18000—GNSS MEA *DME/DME/IRU MEA	MXEEN, TN WP	*18000	45000
MXEEN, TN WP *18000—GNSS MEA *DME/DME/IRU MEA	ALEAN, VA WP	*18000	45000
§ 95.4067 RNAV Route Q67 Is Added To Read			
SMTTH, TN WP *18000—GNSS MEA *DME/DME/IRU MEA	CEMEX, KY WP	*18000	45000
CEMEX, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	IBATE, KY WP	*18000	45000
IBATE, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	TONIO, KY WP	*18000	45000
TONIO, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	HENDERSON, WV VORTAC	*18000	45000
§ 95.4069 RNAV Route Q69 Is Added To Read			
BLAAN, SC WP *18000—GNSS MEA *DME/DME/IRU MEA	RYCKI, NC WP	*18000	45000
RYCKI, NC WP *18000—GNSS MEA *DME/DME/IRU MEA	LUNDD, VA WP	*18000	45000
LUNDD, VA WP *18000—GNSS MEA *DME/DME/IRU MEA	ILLSA, VA WP	*18000	45000
ILLSA, VA WP *18000—GNSS MEA *DME/DME/IRU MEA	EWESS, WV WP	*18000	45000
EWESS, WV WP *18000—GNSS MEA *DME/DME/IRU MEA	ELKINS, WV VORTAC	*18000	45000
§ 95.4071 RNAV Route Q71 Is Added To Read			
BOBBD, TN WP *18000—GNSS MEA *DME/DME/IRU MEA	ATUME, KY WP	*18000	45000
ATUME, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	HAPKI, KY WP	*18000	45000
HAPKI, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	KONGO, KY FIX	*18000	45000
KONGO, KY FIX *18000—GNSS MEA *DME/DME/IRU MEA	WISTA, WV WP	*18000	45000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 512 effective date April 03, 2014]

From	To	MEA	MAA
WISTA, WV WP *18000—GNSS MEA *DME/DME/IRU MEA	GEFFS, WV FIX	*18000	45000
§ 95.4110 RNAV Route Q110 Is Amended By Adding			
BLANS, IL WP *18000—GNSS MEA *DME/DME/IRU MEA	BETIE, TN WP	*18000	45000
BETIE, TN WP *18000—GNSS MEA *DME/DME/IRU MEA	SKIDO, AL WP	*18000	45000
SKIDO, AL WP *18000—GNSS MEA *DME/DME/IRU MEA	BFOLO, AL WP	*18000	45000
BFOLO, AL WP *18000—GNSS MEA *DME/DME/IRU MEA	JYROD, AL WP	*18000	45000
JYROD, AL WP *18000—GNSS MEA *DME/DME/IRU MEA	FEONA, GA WP	*18000	45000
Is Amended To Read in Part			
FEONA, GA WP *18000—GNSS MEA *DME/DME/IRU MEA	GULFR, FL WP	*18000	45000
GULFR, FL WP *18000—GNSS MEA *DME/DME/IRU MEA	BRUTS, FL WP	*18000	45000
BRUTS, FL WP *18000—GNSS MEA *DME/DME/IRU MEA	KPASA, FL WP	*18000	45000
KPASA, FL WP *18000—GNSS MEA *DME/DME/IRU MEA	RVERO, FL WP	*18000	45000
RVERO, FL WP *18000—GNSS MEA *DME/DME/IRU MEA	JAYMC, FL WP	*18000	45000
JAYMC, FL WP *18000—GNSS MEA *DME/DME/IRU MEA	THNDR, FL FIX	*18000	45000
§ 95.4118 RNAV Route Q118 Is Amended By Adding			
MARION, IN VOR/DME *18000—GNSS MEA *DME/DME/IRU MEA	HEVAN, IN WP	*18000	45000
HEVAN, IN WP *18000—GNSS MEA *DME/DME/IRU MEA	VOSTK, KY WP	*18000	45000
VOSTK, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	HELUB, KY WP	*18000	45000
HELUB, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	JEDER, KY WP	*18000	45000
JEDER, KY WP *18000—GNSS MEA *DME/DME/IRU MEA	GLAZR, TN WP	*18000	45000
GLAZR, TN WP *18000—GNSS MEA *DME/DME/IRU MEA	KAILL, GA WP	*18000	45000
KAILL, GA WP *18000—GNSS MEA *DME/DME/IRU MEA	JOHNN, GA FIX	*18000	45000
Is Amended To Read in Part			
JOHNN, GA FIX *18000—GNSS MEA	BRUTS, FL WP	*18000	45000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 512 effective date April 03, 2014]

From	To	MEA	MAA
*DME/DME/IRU MEA BRUTS, FL WP *18000—GNSS MEA *DME/DME/IRU MEA	KPASA, FL WP	*18000	45000

From	To	MEA
§ 95.6001 VICTOR Routes–U.S.		
§ 95.6002 VOR Federal Airway V2 Is Amended To Read in Part		
ELLENSBURG, WA VORTAC	PLUSS, WA FIX	7000
PLUSS, WA FIX	MOSES LAKE, WA VOR/DME	4000
§ 95.6006 VOR Federal Airway V6 Is Amended To Read in Part		
NANCI, NY FIX	LA GUARDIA, NY VOR/DME	2900
§ 95.6007 VOR Federal Airway V7 Is Amended To Read in Part		
LAKELAND, FL VORTAC *5000—MRA **1800—MOCA	*DADES, FL FIX	**2300
*DADES, FL FIX *5000—MRA **1800—MOCA	NITTS, FL FIX	**2300
NITTS, FL FIX *3000—MRA **1700—MOCA	*ORATE, FL FIX	**3000
*ORATE, FL FIX *3000—MRA **1500—MOCA	CROSS CITY, FL VORTAC	**2000
§ 95.6013 VOR Federal Airway V13 Is Amended To Read in Part		
TEXARKANA, AR VORTAC	DEENS, AR FIX. SE BND NW BND	 2300 4600
§ 95.6055 VOR Federal Airway V55 Is Amended To Read in Part		
SIREN, WI VOR/DME *2800—MOCA *3000—GNSS MEA	BRAINERD, MN VORTAC	*6000
§ 95.6083 VOR Federal Airway V83 Is Amended To Read in Part		
CARLSBAD, NM VORTAC *7000—MRA	*NELON, NM FIX	5900
NELON, NM FIX *7000—MRA	CHISUM, NM VORTAC	5900
§ 95.6123 VOR Federal Airway V123 Is Amended To Read in Part		
SWANN, MD FIX *7000—MCA TACKS, MD FIX, W BND **4000—GNSS MEA	*TACKS, MD FIX	**7000
MINKS, NJ FIX	LA GUARDIA, NY VOR/DME	2900
§ 95.6124 VOR Federal Airway V124 Is Amended To Read in Part		
DEENS, AR FIX *2700—MOCA	HOT SPRINGS, AR VOR/DME	*5000
LITTLE ROCK, AR VORTAC *1700—MOCA	TAFTE, AR FIX	*4000
TAFTE, AR FIX *6000—MRA **1600—MOCA	*HILLE, AR FIX	**6000
JACKS CREEK, TN VOR/DME	GRAHAM, TN VORTAC	2600
§ 95.6129 VOR Federal Airway V129 Is Amended To Read in Part		
PEORIA, IL VORTAC	GENSO, IL FIX	2600

From	To	MEA
DAVENPORT, IA VORTAC	DUBUQUE, IA VORTAC	2900
QUEST, WI FIX	NODINE, MN VORTAC	3100
§ 95.6138 VOR Federal Airway V138 Is Amended To Read in Part		
OMAHA, IA VORTAC *5500—MRA **3000—MOCA **3000—GNSS MEA	*MADUP, IA FIX	**4500
§ 95.6142 VOR Federal Airway V142 Is Amended To Read in Part		
MALAD CITY, ID VOR/DME * *11200—MCA ORNEY, UT FIX, E BND	ORNEY, UT FIX	10400
ORNEY, UT FIX	FORT BRIDGER, WY VOR/DME	12200
§ 95.6157 VOR Federal Airway V157 Is Amended To Read in Part		
LA BELLE, FL VORTAC *1500—MOCA	RINSE, FL FIX	*2000
RINSE, FL FIX	LAKELAND, FL VORTAC	2300
MINKS, NJ FIX	LA GUARDIA, NY VOR/DME	2900
§ 95.6198 VOR Federal Airway V198 Is Amended To Read in Part		
SEMINOLE, FL VORTAC	GREENVILLE, FL VORTAC	2100
§ 95.6433 VOR Federal Airway V433 Is Amended To Read in Part		
TICKL, NY FIX	LA GUARDIA, NY VOR/DME	2900
§ 95.6445 VOR Federal Airway V445 Is Amended To Read in Part		
NANCI, NY FIX	LA GUARDIA, NY VOR/DME	2900
§ 95.6521 VOR Federal Airway V521 Is Amended To Read in Part		
RUTHY, FL FIX	LEE COUNTY, FL VORTAC	2300
LEE COUNTY, FL VORTAC	QUNCY, FL FIX	2600
QUNCY, FL FIX	LAKELAND, FL VORTAC	2300
LAKELAND, FL VORTAC *5000—MRA **1800—MOCA	*DADES, FL FIX	**2300
*DADES, FL FIX *5000—MRA **1800—MOCA	NITTS, FL FIX	**2300
NITTS, FL FIX *3000—MRA **1700—MOCA	*ORATE, FL FIX	**3000
*ORATE, FL FIX *3000—MRA **1500—MOCA	CROSS CITY, FL VORTAC	**2000
§ 95.6556 VOR Federal Airway V556 Is Amended To Read in Part		
MARCS, TX FIX *2000—MOCA	SEEDS, TX FIX	*7500
§ 95.6593 ALASKA VOR Federal Airway V593 Is Amended To Read in Part		
BIORKA ISLAND, AK VORTAC *4800—MOCA	LYRIC, AK FIX. SE BND NW BND	 *6000 *8000
LYRIC, AK FIX *5800—MOCA *5800—GNSS MEA	SISTERS ISLAND, AK VORTAC	*8000

From	To	MEA	MAA
§ 95.7001 JET ROUTES **§ 95.7190 JET ROUTE J190 Is Amended To Read in Part**			
SLATE RUN, PA VORTAC #USE SLATE RUN R–072 TO BINGHAMTON	BINGHAMTON, NY VORTAC	#18000	45000

[FR Doc. 2014–05765 Filed 3–17–14; 8:45 am]
BILLING CODE 4910–13–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under the benefit payments regulation for valuation dates in April 2014 and interest assumptions under the asset allocation regulation for valuation dates in the second quarter of 2014. The interest assumptions are used for valuing and paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective April 1, 2014.

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

SUPPLEMENTARY INFORMATION: PBGC's regulations on Allocation of Assets in Single-Employer Plans (29 CFR Part 4044) and Benefits Payable in Terminated Single-Employer Plans (29 CFR Part 4022) prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulations are also published on PBGC's Web site (*http://www.pbgc.gov*).

The interest assumptions in Appendix B to Part 4044 are used to value benefits for allocation purposes under ERISA section 4044. PBGC uses the interest assumptions in Appendix B to Part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to Part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in Appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for April 2014 and updates the asset allocation interest assumptions for the second quarter (April through June) of 2014.

The second quarter 2014 interest assumptions under the allocation regulation will be 3.47 percent for the first 20 years following the valuation date and 3.64 percent thereafter. In comparison with the interest assumptions in effect for the first quarter of 2014, these interest assumptions represent no change in the select period (the period during which the select rate (the initial rate) applies), an increase of 0.12 percent in the select rate, and an increase of 0.14 percent in the ultimate rate (the final rate).

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

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

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

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

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

List of Subjects

29 CFR Part 4022

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

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE–EMPLOYER PLANS

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

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

■ 2. In appendix B to part 4022, Rate Set 246, as set forth below, is added to the table.

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

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
246	4–1–14	5–1–14	1.50	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 246, as set forth below, is added to the table.

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

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
246	4–1–14	5–1–14	1.50	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE–EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry for April—June 2014, as set forth below, is added to the table.

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
*	*	*	*	*	*	*
April—June 2014	0.0347	1–20	0.0364	>20	N/A	N/A

Issued in Washington, DC, on this 12th day of March 2014.

Philip Hertz,

Acting General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2014–05854 Filed 3–17–14; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0015]

RIN 1625–AA00

Safety zone; Sea World San Diego Fireworks, Mission Bay; San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone within the navigable waters of Mission Bay for Sea World firework shows. This temporary safety zone covers four evening events held in March 2014. The temporary safety zones provide for the safety of participants, crew, rescue personnel, and other users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: This rule is effective March 18, 2014 until March 23, 2014 and will be enforced from 8:50 p.m. to 10 p.m. on the following four evenings: March 18, March 20, March 21, and March 22, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0015]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Bryan Gollogly, Waterways Management, U.S. Coast Guard Sector San Diego, Coast Guard; telephone 619–278–7656, email *d11marineeventssandiego@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
TFR Temporary Final Rule

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. The logistical details for this event were not known to the Coast Guard until there was insufficient time remaining before the events to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime

fireworks display, which are discussed further below.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register.** For the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable and contrary to the public interest.

B. Basis and Purpose

The legal basis and authorities for this rule are found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to propose, establish, and define regulatory safety zones.

The waterside shows will include a fireworks presentation from a barge in Mission Bay on the following four evenings: March 18, March 20, March 21, and March 22, 2014. The Captain of the Port San Diego has determined that fireworks launched proximate to a gathering of watercraft pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris.

C. Discussion of the Final Rule

The Coast Guard is establishing a safety zone that will be enforced over four evenings from 8:50 p.m. to 10 p.m. on the following dates: March 18, March 20, March 21, and March 22, 2014. The limits of the safety zone will include the portion of Mission Bay, south of Fiesta Island and all navigable waters within 600 feet of the fireworks barge, located in approximate position 32°46′03″ N, 117°13′11″ W. The safety zone is necessary to provide for the safety of participants, crew, rescue personnel, and other users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within the safety zone unless authorized by the Captain of the Port, or his designated representative.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the safety zone being of a limited duration, 70 minutes, and is also limited to a relatively small geographic area of Mission Bay.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of private vessels intending to transit or anchor in the impacted portion of Mission Bay from 8:50 p.m. to 10 p.m. on March 18, March 20, March 21 and March 22, 2014.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. The safety zone will only be in effect for 70 minutes late in the evening when vessel traffic is low. It impacts a very small area of Mission Bay, a circle about 1,200 feet in diameter. Vessel traffic can either transit safely around the safety zone by another route, or through the safety zone with approval by the Captain of the Port of San Diego or his designated representative.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have

taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishment of a safety zone on a portion of Mission Bay, south of Fiesta Island and all navigable waters within 600 feet of the fireworks barge, located in approximate position 32°46′03″ N, 117°13′11″ W.

This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–620 to read as follows:

§ 165.T11–620 Sea World San Diego Fireworks, Mission Bay; San Diego, CA.

(a) *Location.* The safety zone will include the area within 600 feet of the fireworks barge in approximate position 32°46′03″ N, 117°13′11″ W.

(b) *Enforcement Period.* This rule is effective and will be enforced from 8:50 p.m. to 10 p.m. on March 18, March 20, March 21, and March 22, 2014.

(c) *Definitions.* The following definition applies to this section: *designated representative,* means any commissioned, warrant, or petty officer of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, or local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated representative.

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the Sector San Diego Joint Harbor Operations Center (JHOC). The Coast Guard Sector San Diego JHOC can be contacted on VHF–FM Channel 16.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or his designated representative.

(4) Upon being hailed by U.S. Coast Guard or designated patrol personnel by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(5) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: February 20, 2014.

S. M. Mahoney,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2014–05722 Filed 3–17–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0510; FRL–9908–04–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Section 110(a)(2) Infrastructure Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia pursuant to the Clean Air Act (CAA). Whenever new or revised National Ambient Air Quality Standards (NAAQS) are promulgated, the CAA requires states to submit a plan for the implementation, maintenance, and enforcement of such NAAQS. The plan is required to address basic program elements, including, but not limited to regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. These elements are referred to as infrastructure requirements. The Commonwealth of Virginia has made a submittal addressing the infrastructure requirements for the 2010 nitrogen dioxide (NO_2) NAAQS.

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

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2013–0510. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Ellen Schmitt, (215) 814–5787, or by email at *schmitt.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of SIP Revision

On August 5, 2013 (78 FR 47264), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia proposing approval of Virginia's May 30, 2013 submittal to satisfy several requirements of section 110(a)(2) of the CAA for the 2010 NO_2 NAAQS. In the NPR EPA proposed approval of the following infrastructure elements: Sections 110(a)(2)(A), (B), (C) (for enforcement and regulation of minor sources and minor modifications), (D)(i)(II) (for visibility protection), (D)(ii), (E)(i), (E)(iii), (F), (G), (H), (J) (relating to consultation, public notification, and visibility protection requirements), (K), (L), and (M), or portions thereof. EPA is taking separate rulemaking action on the portions of section 110(a)(2)(C), (D)(i)(II), and (J) as they relate to Virginia's prevention of significant deterioration (PSD) program and on section 110(a)(2)(E)(ii) as it relates to section 128 (State Boards). Virginia did not submit section 110(a)(2)(I) which pertains to the nonattainment requirements of part D, Title I of the CAA, since this element is not required to be submitted by the three year submission deadline of section 110(a)(1), and will be addressed in a separate process. Virginia also did not include a component to address section 110(a)(2)(D)(i)(I) as it is not required in accordance with the *EME Homer City* decision from the United States Court of Appeals for the District of Columbia Circuit, until EPA has defined a state's contribution to nonattainment or interference with maintenance in another state. *See EME Homer City Generation, LP* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), *cert. granted,* 2013 U.S. LEXIS 4801 (2013). Unless the *EME Homer City* decision is reversed or otherwise modified by the Supreme Court, states such as Virginia are not required to submit section 110(a)(2)(D)(i)(I) SIPs until the EPA has quantified their obligations under that section. Therefore, EPA is not acting on 110(a)(2)(D)(i)(I) for the 2010 NO_2 NAAQS as Virginia made no submission for this element.

The rationale supporting EPA's proposed action, including the scope of infrastructure SIPs in general, is explained in the NPR and the technical support document (TSD) accompanying the NPR and will not be restated here. The TSD is available online at *www.regulations.gov*, Docket ID Number EPA–R03–OAR–2013–0510.

II. Public Comments and EPA's Responses

EPA received a single set of comments on the August 5, 2013 proposed rulemaking action of Virginia's 2010 NO_2 infrastructure SIP. These comments were provided by the National Parks Conservation Association (hereinafter referred to as ''the commenter''), and raised concerns with regard to EPA's NPR. A full set of these comments is provided in the docket for today's final rulemaking action.

Comment 1: The commenter contends that EPA should disapprove Virginia's 2010 NO_2 infrastructure SIP revision with regard to the visibility component of 110(a)(2)(D)(i)(II) because it relies upon reductions from the Clean Air Interstate Rule (''CAIR''). The commenter references the litigation in the D.C. Circuit related to CAIR, asserting that CAIR is not permanent and enforceable and Virginia's reliance upon CAIR for its visibility protection duties under the CAA renders its reductions temporary, unenforceable, and illegal. The commenter asserts that EPA could not rely on CAIR to support its proposed approval of the visibility prong of Virginia's 2010 NO_2 infrastructure revision. The commenter states that EPA must also disapprove Virginia's 2010 NO_2 infrastructure SIP revision because it is inconsistent with the congressional mandate in section 169A for the use of best available retrofit technology (BART) to improve visibility in Class I areas. The commenter also states that EPA and Virginia cannot use CAIR as a substitute for the explicitly mandated BART provisions of the CAA because it does not meet any exemptions allowed under the CAA. Additionally, the commenter states that compliance with CAIR does not meet any requirement for such an exemption as it does not impact the threshold BART issue of contribution to visibility impairment. The commenter states that there is simply no basis in the CAA to support a BART substitute, like CAIR, that has not been demonstrated to produce greater visibility improvement in all Class I areas.

Furthermore, the commenter states that the requirements in ''51 CFR 51.308(d)'' for reasonable progress goals, calculation of baseline and natural visibility conditions, and a long term strategy cannot be satisfied by broadly averaging emissions or visibility over a number of different Class I areas.[1] The commenter states reasonable progress should be measured on an area-by-area basis to account for variability in source contribution and visibility conditions. The commenter asserts that if EPA approves Virginia's CAIR visibility prong and allows CAIR-based exemptions to substitute emission reductions by non-BART sources for those from BART sources, BART sources will be controlled at levels less stringent than the application of source-by-source BART would require and additionally asserted there is no guarantee that CAIR's nitrogen oxide (NO_X) reductions would occur at BART sources. The commenter claims EPA must disapprove the visibility provision in Virginia's 2010 NO_2 infrastructure SIP because CAIR was ''vacated,'' is not permanent and enforceable, and does not meet the requirements of section 169A of the CAA.

Response 1: EPA disagrees with the commenter that it must disapprove the visibility provision in Virginia's 2010 NO_2 infrastructure SIP. First, EPA notes that CAIR has not been ''vacated'' as stated in the comment. As mentioned in EPA's TSD, CAIR was ultimately remanded by the D.C. Circuit to EPA without vacatur, and EPA continues to implement CAIR.[2] As explained in detail in today's rulemaking action, EPA believes that in light of the D.C. Circuit's subsequent decision to vacate the EPA rule known as the Cross State Air Pollution Rule (CSAPR), also known as the Transport Rule (*see EME Homer City,* 696 F.3d 7), and the court's order for EPA to ''continue administering CAIR pending the promulgation of a

[1] EPA notes that the Commenter inadvertently referred to 51 CFR 51.308(d). EPA assumes the commenter meant to refer to 40 CFR 51.308(d) which is the relevant provision requiring reasonable progress goals, calculation of baseline and natural visibility conditions, and a long term strategy.

[2] *See North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008) (finding CAIR inconsistent with requirements of CAA) and *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008) (remanding CAIR to EPA without vacatur because it found that ''allowing CAIR to remain in effect until it is replaced by a rule consistent with [the court's] opinion would at least temporarily preserve the environmental values covered by CAIR'').

valid replacement,'' it is appropriate for EPA to rely at this time on CAIR to support approval of Virginia's 2010 NO_2 infrastructure revision as it relates to the visibility prong. EPA has been ordered by the D.C. Circuit to develop a new rule, and to continue implementing CAIR in the meantime. Unless the Supreme Court reverses or otherwise modifies the D.C. Circuit's decision on CSAPR in *EME Homer City,* EPA does not intend to act in a manner inconsistent with the decision of the D.C. Circuit. Based on the current direction from the court to continue administering CAIR, EPA believes that it is appropriate to rely on CAIR emission reductions for purposes of assessing the adequacy of Virginia's infrastructure SIP revision with respect to prong 4 of section 110(a)(2)(D)(i)(II) for visibility protection while a valid replacement rule is developed and until submissions complying with any such new rule are submitted by the states and acted upon by EPA or until the *EME Homer City* case is resolved in a way that provides different direction regarding CAIR and CSAPR.[3]

Furthermore, as neither the Commonwealth nor EPA has taken any action to remove CAIR from the Virginia SIP, CAIR remains part of the federally-approved SIP and can be considered in determining whether the SIP as a whole meets the requirement of prong 4 of 110(a)(2)(D)(i)(II). EPA is taking final action to approve the infrastructure SIP submission with respect to prong 4 because Virginia's regional haze SIP, which EPA has approved in combination with its SIP provisions to implement CAIR adequately prevents sources in Virginia from interfering with measures adopted by other states to protect visibility during the first planning period.[4]

EPA disagrees with the commenter that the CAA does not allow states to rely on an alternative program such as CAIR in lieu of source-specific BART. EPA's regulations allowing states to adopt alternatives to BART that provide for greater reasonable progress, and EPA's determination that states may rely on CAIR to meet the BART requirements, have been upheld by the D.C. Circuit as meeting the requirements of the CAA. In the first case challenging the provisions in the regional haze rule allowing for states to adopt alternative programs in lieu of BART, the court affirmed EPA's interpretation of CAA section 169A(b)(2) as allowing for alternatives to BART where those alternatives will result in greater reasonable progress than BART. *Center for Energy and Economic Development* v. *EPA,* 398 F.3d 653, 660 (D.C. Cir. 2005) (finding reasonable the EPA's interpretation of CAA section 169A(b)(2) as requiring BART only as necessary to make reasonable progress). In the second case, *Utility Air Regulatory Group* v. *EPA,* 471 F.3d 1333 (D.C. Cir. 2006), the court specifically upheld EPA's determination that states could rely on CAIR as an alternative program to BART for EGUs in the CAIR-affected states. The court concluded that the EPA's two-pronged test for determining whether an alternative program achieves greater reasonable progress was a reasonable one and also agreed with EPA that nothing in the CAA required the EPA to ''impose a separate technology mandate for sources whose emissions affect Class I areas, rather than piggy-backing on solutions devised under other statutory categories, where such solutions meet the statutory requirements.'' *Id.* at 1340.

More fundamentally, EPA disagrees with the commenter that the adequacy of the BART measures in the Virginia regional haze SIP is relevant to the question of whether the Commonwealth's SIP meets the requirements of section 110(a)(2)(D)(i) of the CAA with respect to visibility. EPA interprets the visibility provisions in this section of the CAA as requiring states to include in their SIPs measures to prohibit emissions that would interfere with the reasonable progress goals set to protect Class I areas in other states. The regional haze rule includes a similar requirement. *See* 40 CFR 51.308(d)(3). EPA notes that on June 13, 2012, EPA determined that Virginia's regional haze SIP adequately prevents sources in Virginia from interfering with the reasonable progress goals adopted by other states to protect visibility during the first planning period. *See* 77 FR 35287. *See also* 77 FR 3691, 3709 (January 25, 2012) (proposing approval of Virginia's regional haze SIP). As EPA's review of the Virginia regional haze SIP explains, the Commonwealth relied on enforceable emissions reductions already in place to address the impacts of Virginia on out-of-state Class I areas. The question of whether or not CAIR satisfies the BART requirements has no bearing on whether these measures meet the requirements of section 110(a)(2)(D)(i)(II) with respect to visibility.

Therefore, EPA disagrees with the commenter that EPA must disapprove the visibility provision in Virginia's 2010 NO_2 infrastructure SIP because CAIR does remain in effect and is enforceable. EPA also notes that while the adequacy of the BART provisions in the Virginia regional haze SIP is irrelevant to the question of whether the plan meets the requirements of section 110(a)(2)(D)(i)(II), CAIR was upheld as an alternative to BART in accordance with the requirements of section 169A of the CAA by the D.C. Circuit in *Utility Air Regulatory Group* v. *EPA.*

Comment 2: The commenter states that EPA should disapprove the visibility prong of Virginia's 2010 NO_2 infrastructure revision because the commenter asserts that Virginia failed to submit its five year progress review for regional haze by the required date. The commenter references a July 17, 2008 SIP submittal from Virginia as the basis for determining when the five year progress report for regional haze was due.

Response 2: EPA disagrees with the comment that Virginia failed to submit its five year progress report by the required date. Virginia's five year progress report for 40 CFR 51.308(g) is not due until October 4, 2015. The Commonwealth of Virginia submitted several regional haze SIP submissions between 2008 and 2010. On July 17, 2008, Virginia submitted to EPA the first of many SIP revisions addressing portions of the regional haze requirements. This first submission contained a permit and a BART determination for one source in Virginia. Virginia submitted three additional SIP revisions containing permits and BART determinations addressing specific sources on March 6, 2009, January 14, 2010, and November

[3] Since the vacatur of CSAPR in August 2012 and with continued implementation of CAIR per the direction of the D.C. Circuit in *EME Homer City,* EPA has approved redesignations of areas to attainment of the 1997 fine particulate matter ($PM_{2.5}$) NAAQS in which states have relied on CAIR as an enforceable measure. *See* 77 FR 76415 (December 28, 2012) (redesignation of Huntington-Ashland, West Virginia for 1997 $PM_{2.5}$ NAAQS, which was proposed 77 FR 68076 (November 15, 2012)); 78 FR 59841 (September 30, 2013) (redesignation of Wheeling, West Virginia for 1997 $PM_{2.5}$ NAAQS, which was proposed 77 FR 73575 (December 11, 2012)); and 78 FR 56168 (September 12, 2013) (redesignation of Parkersburg, West Virginia for 1997 $PM_{2.5}$ NAAQS, which was proposed 77 FR 73560 (December 11, 2012)).

[4] Under CAA sections 301(a) and 110(k)(6) and EPA's long-standing guidance, a limited approval results in approval of the entire SIP submittal, even of those parts that are deficient and prevent EPA from granting a full approval of the SIP revision. *Processing of State Implementation Plan (SIP) Revisions,* EPA Memorandum from John Calcagni, Director, Air Quality Management Division, OAQPS, to Air Division Directors, EPA Regional Offices I–X, September 7, 1992, (1992 Calcagni Memorandum) located at *http://www.epa.gov/ttn/caaa/t1/memoranda/siproc.pdf.* Therefore, EPA believes it is appropriate to approve Virginia's 2010 NO_2 NAAQS infrastructure SIP for section 110(a)(2)(D)(i)(II) as it meets the requirements of that section despite the limited approval status of Virginia's regional haze SIP.

19, 2010. A May 6, 2011 SIP revision also included a permit for a source for purposes of reasonable progress. Although the July 2008, March 2009, January 2010, November 2010, and May 2011 SIP revision submittals from Virginia included BART and reasonable progress determinations for specific sources in Virginia, the Commonwealth did not submit a comprehensive regional haze plan until October 4, 2010. This plan included the reasonable progress goals for Virginia's Class I areas, calculations of baseline and natural visibility conditions, a long-term strategy for regional haze, additional BART determinations, and a monitoring strategy.

Given this, EPA considers the appropriate regional haze SIP submission which Virginia should be evaluating in the progress report required by 40 CFR 51.308(g) is the October 4, 2010 submission. Consequently, Virginia's five year progress report for 40 CFR 51.308(g) is not due until October 4, 2015, five years from the first regional haze SIP submittal which comprehensively addressed 40 CFR 51.308(d) and (e).

Finally, EPA notes that on November 8, 2013 Virginia submitted its five year progress report for 40 CFR 51.308(g) significantly in advance of its October 4, 2015 due date. On February 11, 2014, EPA signed a separate rulemaking action proposing approval of that report. EPA's review of emissions data from Virginia's five year progress report shows that emissions of the key visibility-impairing pollutant for the southeast, sulfur dioxide (SO_2), continued to drop from 428,070 tons per year (tpy) in 2002 to 268,877 tpy in 2007 to 115,436 tpy in 2011. The emissions inventories also show similar substantial declines in other pollutants, particularly NO_X, between 2007 and 2011.

In summary, EPA believes that it appropriately proposed approval of Virginia's infrastructure SIP revision for the 2010 NO_2 NAAQS for the structural visibility protection requirements in 110(a)(2)(D)(i)(II) because that progress report was not yet due on the date of EPA's publication of the proposal. Therefore, EPA finds Virginia has met the basic structural visibility protection requirements in 110(a)(2)(D)(i)(II).

III. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

IV. Final Action

EPA is approving the following infrastructure elements or portions thereof of Virginia's SIP revision: Sections 110(a)(2)(A), (B), (C) (for enforcement and regulation of minor sources and minor modifications), (D)(i)(II) (for visibility protection), (D)(ii), (E)(i), (E)(iii), (F), (G), (H), (J) (relating to consultation, public notification, and visibility protection requirements), (K), (L), and (M), or portions thereof as a revision to the Virginia SIP. EPA is taking separate rulemaking action on the portions of section 110(a)(2)(C), (D)(i)(II), and (J) as they relate to Virginia's PSD program and section 110(a)(2)(E)(ii) as it relates to section 128 (State Boards). This rulemaking action does not include section 110(a)(2)(I) of the CAA which pertains to the nonattainment requirements of part D, Title I of the CAA, since this element is not required to be submitted by the three year submission deadline of section 110(a)(1), and will be addressed in a separate process. This rulemaking action also does not include proposed action on section 110(a)(2)(D)(i)(I), because this element, or portions thereof, is not required to be submitted by a state until the EPA has quantified a state's obligations and Virginia's SIP submittal did not include this element. *See EME Homer City Generation, LP* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), *cert. granted,* 2013 U.S. LEXIS 4801 (2013).

V. Statutory and Executive Order Reviews

A. General Requirements

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

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

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

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 19, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, addressing certain infrastructure requirements of section 110(a)(2) of the CAA for the 2010 NO_2 NAAQS for the Commonwealth of Virginia, may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Reporting and recordkeeping requirements.

Dated: March 3, 2014.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart VV—Virginia

■ 2. Section 52.2420 is amended in paragraph (e), by adding an entry for ''Section 110(a)(2) Infrastructure Requirements for the 2010 Nitrogen Dioxide NAAQS'' at the end of the table to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Section 110(a)(2) Infrastructure Requirements for the 2010 Nitrogen Dioxide NAAQS.	Statewide	5/30/13	3/18/14 *[Insert Federal Register page number where the document begins].*	This action addresses the following CAA elements, or portions thereof: 110(a)(2) (A), (B), (C), (D)(i)(II), (D)(ii), (E)(i), (E)(iii), (F), (G), (H), (J), (K), (L), and (M) with the exception of PSD elements.

[FR Doc. 2014–05808 Filed 3–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2013–0817; FRL–9908–02–Region 7] Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Missouri State Implementation Plan (SIP) which were submitted to EPA on July 12, 2012. This submission revises two heavy duty diesel vehicle idling rules that are applicable in Kansas City and St. Louis. This revision provides clarity to the rules in the applicability section by listing owners and operators of passenger load/unload locations where commercial, public and institutional heavy-duty vehicles load or unload passengers. The affected parties were unintentionally omitted from the applicability section of the rule even though they are required to comply with the rule in the general provisions section. These revisions do not have an adverse affect on air quality. EPA's approval of these SIP revisions is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This direct final rule will be effective May 19, 2014, without further notice, unless EPA receives adverse comment by April 17, 2014. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2013–0817, by one of the following methods:

1. *www.regulations.gov.* Follow the on-line instructions for submitting comments.
2. *Email: higbee.paula@epa.gov.*
3. *Mail or Hand Delivery:* Paula Higbee, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2013–0817. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

FOR FURTHER INFORMATION CONTACT: Paula Higbee, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219, or at 913–551–7028, or by email at *higbee.paula@epa.gov.*

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

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

I. What is being addressed in this document?

EPA is taking direct final action to amend Missouri's SIP by approving the state's requests to amend 10 CSR 10–2.385 and 10 CSR 10–5.385, *Control of Heavy Duty Diesel Vehicle Idling Emissions.* Specifically, Missouri is inserting additional clarifying language to subsection, (1)(C) to both rules, as follows, ''This regulation applies to owners and operators of load/unload locations where commercial, public, and institutional heavy duty diesel vehicles load or unload passengers.'' The purpose of this revision is to clarify the rule by listing owners and operators of passenger load/unload locations where commercial, public and institutional heavy-duty vehicles load or unload passengers. The affected parties were unintentionally omitted from the applicability section of the rule even though they are required to comply with the rule in the general provisions section. EPA has determined that these changes will not relax the SIP or adversely impact air emissions.

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

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is EPA taking?

We are publishing this rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the SIP and operating permits revision if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public

comments in any subsequent final rule based on the proposed rule.

Statutory and Executive Order Reviews

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

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 19, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 3, 2014.

Karl Brooks,

Regional Administrator, Region 7.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart AA—Missouri

■ 2. In § 52.1320 the table in paragraph (c) is amended by revising the entries for 10–2.385 and 10–5.385 to read as follows:

§ 52.1320 Identification of plan.

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 2 Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area				
*	*	*	*	*
10–2.385	Control of Heavy Duty Diesel Vehicle Idling Emissions.	7/30/2012	*3/18/2014 [insert FR page number where the document begins].*	
*	*	*	*	*
Chapter 5 Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area				

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA approval date	Explanation
*	*	*	*	*
10–5.385	Control of Heavy Duty Diesel Vehicle Idling Emissions.	7/30/2012	*3/18/2014 [insert FR page number where the document begins].*	
*	*	*	*	*

* * * * *

[FR Doc. 2014–05821 Filed 3–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R03–OAR–2013–0498; FRL–9908–05–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Approval of Redesignation Requests of the West Virginia Portion of the Steubenville-Weirton, OH–WV Nonattainment Area for the 1997 Annual and 2006 24-Hour Fine Particulate Matter Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State of West Virginia's requests to redesignate to attainment the West Virginia portion of the Steubenville-Weirton, OH–WV nonattainment area (hereafter ''the Steubenville-Weirton Area'' or ''the Area'') for both the 1997 annual and the 2006 24-hour fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS or standards). EPA is also approving as a revision to the West Virginia State Implementation Plan (SIP), the associated maintenance plans to show maintenance of the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS through 2025 for the West Virginia portion of the Area. West Virginia's maintenance plans include insignificance findings for the mobile source contribution of $PM_{2.5}$ and nitrogen oxides (NO_X) emissions to the West Virginia portion of the Area for both the 1997 annual and 2006 24-hour $PM_{2.5}$ standards, which EPA agrees with and is approving for transportation conformity purposes. In addition, EPA is approving the 2008 emissions inventory for the West Virginia portion of the Area for the 2006 24-hour $PM_{2.5}$ NAAQS. EPA has taken a separate rulemaking action to approve the redesignation of the Ohio portion of the Steubenville-Weirton Area for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS. These actions are being taken under the Clean Air Act (CAA).

DATES:

This final rule is effective on April 17, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2013–0498. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Emlyn Vélez-Rosa, (215) 814–2038, or by email at *velez-rosa.emlyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On April 13, 2012 and June 8, 2012, the West Virginia Department of Environmental Protection (WVDEP) formally submitted two separate requests to redesignate the West Virginia portion of the Steubenville-Weirton Area from nonattainment to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS, respectively. Each submittal included a maintenance plan as a SIP revision to ensure continued attainment of the standards throughout the West Virginia portion of the Area over the next 10 years. The June 8, 2012 submittal also includes a 2008 comprehensive emissions inventory for $PM_{2.5}$, sulfur dioxide (SO_2) and NO_X for the 2006 24-hour $PM_{2.5}$ NAAQS, which WVDEP supplemented on June 24, 2013 to include emissions of volatile organic compounds (VOC) and ammonia. The Steubenville-Weirton Area is comprised of Brooke County and Hancock County in West Virginia (the West Virginia portion of the Area), and Jefferson County in Ohio.

On December 9, 2013 (78 FR 73769), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. In the NPR, EPA proposed approval of West Virginia's redesignation requests for its portion of the Steubenville-Weirton Area for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS. EPA also proposed approval of the associated maintenance plans as SIP revisions for the 1997 annual and 2006 24-hour $PM_{2.5}$ standards, which included insignificance determinations for $PM_{2.5}$ and NOx for both standards for purposes of transportation conformity. Also, EPA proposed approval of the 2008 comprehensive emissions inventory for the 2006 24-hour $PM_{2.5}$ standard to meet the requirement of section 172(c)(3) of the CAA. EPA proposed to find that the Area continues to attain both standards.

In the NPR, EPA addressed the effects of two decisions of the United States Court of Appeals for the District of Columbia (DC Circuit or Court): The Court's August 21, 2012 decision to vacate and remand to EPA the Cross-State Air Pollution Control Rule (CSAPR); and the Court's January 4, 2013 decision to remand to EPA two final rules implementing the 1997 annual $PM_{2.5}$ standard. Specific details of West Virginia's submittals and the rationale for EPA's proposed actions are explained in the NPR and will not be restated here. No public comments were received on the NPR.

II. Final Action

EPA is taking final actions on the redesignations requests and SIP revisions submitted by the State of West Virginia on April 13, 2012 and June 8, 2012 for the 1997 annual and 2006 24-hour $PM_{2.5}$ standards. First, EPA is

approving West Virginia's redesignation requests for the 1997 annual and 2006 24-hour $PM_{2.5}$ standards, because EPA has determined that the requests meet the redesignation criteria set forth in section 107(d)(3)(E) of the CAA for these standards. Second, EPA is finding that the Steubenville-Weirton Area is attaining and will continue to attain both the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS. Third, EPA is approving the associated maintenance plans for the West Virginia portion of the Area as revisions to the West Virginia SIP for the 1997 annual and 2006 24-hour $PM_{2.5}$ standards because they meet the requirements of CAA section 175A. EPA is also approving for both standards West Virginia's transportation conformity insignificant determinations for $PM_{2.5}$ and NO_X emissions for the Area. Finally, EPA is approving the 2008 comprehensive emissions inventory for the 2006 24-hour $PM_{2.5}$ standards NAAQS as a revision to the West Virginia SIP because it meets the requirements of section 172(c)(3) of the CAA. Approval of these redesignation requests will change the official designations of the West Virginia portion of the Steubenville-Weirton Area from nonattainment to attainment for the 1997 annual and the 2006 24-hour $PM_{2.5}$ NAAQS, respectively.

III. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, redesignation of an area to attainment and the accompanying approval of the maintenance plan under CAA section 107(d)(3)(E) are actions that affect the status of geographical area and do not impose any additional regulatory requirements on sources beyond those required by state law. A redesignation to attainment does not in and of itself impose any new requirements, but rather results in the application of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 19, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, approving the redesignation requests and maintenance plans for the West Virginia portion of the Steubenville-Weirton Area for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS and the 2008 comprehensive emissions inventory for the 2006 24-hour $PM_{2.5}$ NAAQS, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR part 81

Air pollution control, National parks, Wilderness areas.

Dated: February 27, 2014.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR parts 52 and 81 are 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 XX—West Virginia

■ 2. In § 52.2520, the table in paragraph (e) is amended at the end of the table by:

■ a. Adding an entry for the 1997 annual $PM_{2.5}$ Maintenance Plan, West Virginia portion of the Steubenville-Weirton, OH–WV Area.

■ b. Adding an entry for the 2006 24-hour $PM_{2.5}$ Maintenance Plan, West Virginia portion of the Steubenville-Weirton, OH–WV Area.

The additions read as follows:

§ 52.2520 Identification of plan.

(e) * * *

* * * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
1997 annual $PM_{2.5}$ Maintenance Plan for Steubenville-Weirton OH–WV Area.	Brooke County and Hancock County.	4/13/12	3/18/14 *[Insert page number where the document begins].*	
2006 24-hour $PM_{2.5}$ Maintenance Plan for Steubenville-Weirton OH–WV Area.	Brooke County and Hancock County.	6/8/12	3/18/14 *[Insert page number where the document begins].*	

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for Part 81 continues to read as follows:

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

■ 2. Section 81.349 is amended by:

■ a. Revising the $PM_{2.5}$ (Annual NAAQS) table entry for the Steubenville-Weirton, OH–WV Area.

■ b. Revising the $PM_{2.5}$ (24-hour NAAQS) table entry for the Steubenville-Weirton, OH–WV Area.

The amendments read as follows:

§ 81.349 West Virginia

* * * * *

WEST VIRGINIA—$PM_{2.5}$

[Annual NAAQS]

Designated area	Designation [a]	
	Date [1]	Type
*	*	*
Steubenville-Weirton, OH–WV:		
Brooke County	3/18/14	Attainment.
Hancock County	3/18/14	Attainment.
*	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.

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WEST VIRGINIA—$PM_{2.5}$

[24-hour NAAQS]

Designated area	Designation for the 1997 NAAQS [a]		Designation for the 2006 NAAQS [b]	
	Date [1]	Type	Date [2]	Type
*	*	*	*	*
Steubenville-Weirton, OH–WV:				
Brooke County	3/18/14	Unclassifiable/Attainment	3/18/14	Attainment.
Hancock County	3/18/14	Unclassifiable/Attainment	3/18/14	Attainment.
*	*	*	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.
[2] This date is 30 days after November 13, 2009, unless otherwise noted.

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[FR Doc. 2014–05807 Filed 3–17–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 412

[CMS–1599–IFC2]

RIN 0938–AR12

Medicare Program; Extension of the Payment Adjustment for Low-Volume Hospitals and the Medicare-Dependent Hospital (MDH) Program Under the Hospital Inpatient Prospective Payment Systems (IPPS) for Acute Care Hospitals for Fiscal Year 2014

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

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule with comment period implements changes to the payment adjustment for low-volume hospitals and to the Medicare-dependent hospital (MDH) program under the hospital inpatient prospective payment systems (IPPS) for FY 2014 (through March 31, 2014) in accordance with sections 1105 and 1106, respectively, of the Pathway for SGR Reform Act of 2013.

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

Applicability dates: The provisions of this interim final rule with comment period are applicable for discharges on or after October 1, 2013, and on or before March 31, 2014.

Comment date: To be assured consideration, comments must be received at one of the addresses provided, no later than 5 p.m. on May 13, 2014.

ADDRESSES: In commenting, please refer to file code CMS–1599–IFC2. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

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–1599–IFC2, P.O. Box 8013, Baltimore, MD 21244–8013.

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–1599–IFC2, 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 21244–01850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 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: Michele Hudson, (410) 786–5490. Maria Navarro, (410) 786–4553. Shevi Marciano, (410) 786–2874.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://regulations.gov.* Follow the search instructions on that Web site to view public comments. Comments received timely will be also available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

On December 26, 2013, the Pathway for SGR Reform Act of 2013 (Pub. L. 113–67) was enacted. Section 1105 of the Pathway for SGR Reform Act extends changes to the payment adjustment for low-volume hospitals for an additional 6 months, through March 31, 2014, of fiscal year (FY) 2014. Section 1106 of the Pathway for SGR Reform Act extends the Medicare-dependent, small rural hospital (MDH) program for an additional 6 months, through March 31, 2014, of FY 2014.

II. Provisions of the Interim Final Rule With Comment Period

A. Extension of the Payment Adjustment for Low-Volume Hospitals

1. Background

Section 1886(d)(12) of the Social Security Act (the Act) provides for an additional payment to each qualifying low-volume hospital under the Inpatient Prospective Payment Systems (IPPS) beginning in FY 2005. Sections 3125 and 10314 of the Affordable Care Act provided for a temporary change in the low-volume hospital payment policy for FYs 2011 and 2012. Section 605 of the American Taxpayer Relief Act of 2012 (ATRA) extended, for FY 2013, the temporary changes in the low-volume hospital payment policy provided for in FYs 2011 and 2012 by the Affordable Care Act. Prior to the enactment of the Pathway for SGR Reform Act, beginning with FY 2014, the low-volume hospital qualifying criteria and payment adjustment returned to the statutory requirements under section 1886(d)(12) of the Act that were in effect prior to the amendments made by the Affordable Care Act and the ATRA. (For additional information on the expiration of the temporary changes in the low-volume hospital payment policy for FYs 2011 through 2013 provided for by the Affordable Care Act and the ATRA, refer to the FY 2014 IPPS/LTCH PPS final rule (78 FR 50610 through 50613).) The regulations describing the payment adjustment for low-volume hospitals are at 42 CFR 412.101.

2. Low-Volume Hospital Payment Adjustment for FYs 2011, 2012, and 2013

For FYs 2011 and 2012, sections 3125 and 10314 of the Affordable Care Act expanded the definition of low-volume hospital and modified the methodology for determining the payment adjustment for hospitals meeting that definition. Specifically, the provisions of the Affordable Care Act amended the qualifying criteria for low-volume hospitals under section 1886(d)(12)(C)(i) of the Act to specify that, for FYs 2011 and 2012, a hospital qualifies as a low-volume hospital if it is more than 15 road miles from another subsection (d) hospital and has less than 1,600 discharges of individuals entitled to, or enrolled for, benefits under Part A during the fiscal year. In addition, section 1886(d)(12)(D) of the Act, as added by the Affordable Care Act, provides that the low-volume hospital payment adjustment (that is, the percentage increase) is to be determined ''using a continuous linear sliding scale ranging from 25 percent for low volume-hospitals with 200 or fewer discharges of individuals entitled to, or enrolled for, benefits under Part A in the fiscal year to 0 percent for low-volume hospitals with greater than 1,600 discharges of such individuals in the fiscal year.''

We revised the regulations at 42 CFR 412.101 to reflect the changes to the qualifying criteria and the payment adjustment for low-volume hospitals according to the provisions of the Affordable Care Act in the FY 2011 IPPS/LTCH PPS final rule (75 FR 50238 through 50275 and 50414). In addition, we also defined, at § 412.101(a), the term ''road miles'' to mean ''miles'' as defined at § 412.92(c)(1), and clarified the existing regulations to indicate that a hospital must continue to qualify as a low-volume hospital in order to receive the payment adjustment in that year (that is, it is not based on a one-time qualification).

Section 605 of the ATRA extended the temporary changes in the low-volume hospital payment policy provided for in FYs 2011 and 2012 by the Affordable Care Act for FY 2013, that is, for discharges occurring before October 1, 2013. In a **Federal Register** notice published on March 7, 2013 (78 FR 14689 through 14694) (hereinafter referred to as the FY 2013 IPPS notice), we announced the extension of the Affordable Care Act amendments to the low-volume hospital payment adjustment requirements under section 1886(d)(12) of the Act for FY 2013 pursuant to section 605 of the ATRA. To implement the extension of the temporary change in the low-volume hospital payment adjustment policy for FY 2013 provided for by the ATRA, in the FY 2013 IPPS notice, we updated the discharge data source used to identify qualifying low-volume hospitals and calculate the payment adjustment (percentage increase). In addition, we established a procedure for a hospital to request low-volume hospital status for FY 2013 (which was consistent with the process for the low-volume hospital payment adjustment for FYs 2011 and 2012). We also noted our intent to make conforming changes to the regulations text at § 412.101 to reflect the changes to the qualifying criteria and the payment adjustment for low-volume hospitals in accordance with the amendments made by section 605 of the ATRA in future rulemaking. In the FY 2014 IPPS/LTCH PPS final rule (78 FR 50612), we adopted revisions to paragraphs (b)(2)(i), (b)(2)(ii), (c)(1), (c)(2), and (d) of § 412.101 consistent with the provisions of section 605 of the ATRA.

3. Implementation of the Extension of the Low-Volume Hospital Payment Adjustment for FY 2014 (through March 31, 2014)

Section 1105 of the Pathway for SGR Reform Act extends, for the first 6 months of FY 2014 (that is, through March 31, 2014), the temporary changes in the low-volume hospital payment policy provided for in FYs 2011 and 2012 by the Affordable Care Act and extended through FY 2013 by the ATRA. Prior to the enactment of section 1105 of the Pathway for SGR Reform Act, beginning with FY 2014, the low-volume hospital definition and payment adjustment methodology returned to the policy established under statutory requirements that were in effect prior to the amendments made by the Affordable Care Act as extended by the ATRA.

Section 1105 of the Pathway for SGR Reform Act extends the changes made by the Affordable Care Act and extended by the ATRA by amending sections 1886(d)(12)(B), (C)(i), and (D) of the Act. Subparagraph (B) of section 1886(d)(12) of the Act sets forth the applicable percentage increase under the original low-volume hospital payment adjustment policy established under statutory requirements that were in effect prior to the amendments made by the Affordable Care Act (that is, the time periods for which the temporary changes provided for by the Affordable Care Act, as extended by the ATRA, do not apply). Section 1105 of the Pathway for SGR Reform Act amends section 1886(d)(12)(B) by striking ''fiscal year 2014 and subsequent fiscal years'' and inserting ''the portion of fiscal year 2014 beginning on April 1, 2014, fiscal year 2015, and subsequent fiscal years.'' Section 1886(d)(12)(C)(i) of the Act, which specifies the definition of a low-volume hospital, is amended by inserting ''and the portion of fiscal year 2014 before'' after ''and 2013,'' each place it appears and by inserting ''or portion of fiscal year'' after ''during the fiscal year.'' Lastly, section 1886(d)(12)(D) of the Act, which sets forth the temporary applicable percentage increase provided for by the provisions of the Affordable Care Act and extended by the ATRA, is amended by inserting ''and the portion of fiscal year 2014 before April 1, 2014,'' after ''and 2013,'' and by inserting ''or the portion of fiscal year'' after ''in the fiscal year''.

As noted previously, section 1105 of the Pathway for SGR Reform Act amends the definition of a low-volume hospital in subparagraph (C)(i) of section 1886(d)(12) of the Act by inserting ''and the portion of fiscal year 2014 before'' after ''and 2013,'' each place it appears. This amendatory text appears to contain a technical error in that it omits ''April 1, 2014'' which is the date ''before'' which the temporary changes to the low-volume hospital definition are applicable. As amended by section 1105 of the Pathway for SGR Reform Act, section 1886(d)(12)(C)(i) of the Act reads: ''For purposes of this paragraph, the term ''low-volume hospital'' means, for a fiscal year, a subsection (d) hospital (as defined in paragraph (1)(B)) that the Secretary determines is located more than 25 road miles (or, with respect to fiscal years 2011, 2012, and 2013, and the portion of fiscal year 2014 before 15 road miles) from another subsection (d) hospital and has less than 800 discharges (or, with respect to fiscal years 2011, 2012, and 2013, and the portion of fiscal year 2014 before 1,600 discharges of individuals entitled to, or enrolled for, benefits under part A) during the fiscal year or the portion of fiscal year.'' Adding ''April 1, 2014'' after ''and the portion of fiscal year 2014 before'' would make the applicable period for the changes to section 1886(d)(12)(C) of the Act consistent with the applicable period under the other amendments to section 1886(d)(12) of the Act, which plainly state that the temporary changes to the low-volume hospital payment adjustment are applicable ''before April 1, 2014.'' Specifically, as amended by section 1105 of the Pathway for SGR Reform Act, section 1886(d)(12)(D) of the Act specifies that the ''temporary

applicable percentage increase'' (provided for by the provisions of the Affordable Care Act as extended by the ATRA) is applicable ''[f]or discharges occurring in fiscal years 2011, 2012, and 2013, and the portion of fiscal year 2014 before April 1, 2014''. Similarly, as amended by section 1105 of the Pathway for SGR Reform Act, section 1886(d)(12)(B) of the Act specifies that the applicable percentage increase under the original low-volume hospital payment adjustment policy (prior to the amendments made by the Affordable Care Act, as extended by the ATRA) applies ''[f]or discharges occurring in fiscal years 2005 through 2010 and for discharges occurring in the portion of fiscal year 2014 beginning on April 1, 2014, fiscal year 2015, and subsequent fiscal years''. Thus we believe it is clear that ''April 1, 2014'' was inadvertently omitted from the amendment to the low-volume hospital definition at section 1886(d)(12)(C)(i) of the Act under the extension provided for by section 1105 of the Pathway for SGR Reform Act and that the temporary changes to this definition are applicable to FYs 2011, 2012, and 2013, and the portion of FY 2014 before April 1, 2014, consistent with the amendments made to subparagraphs (B) and (D) of section 1886(d)(12) of the Act by section 1105 of the Pathway for SGR Reform Act. Accordingly, in this interim final rule with comment period, in implementing section 1105 of the Pathway for SGR Reform Act, we are establishing that the temporary changes to the low-volume hospital definition specified in section 1886(d)(12)(C)(i) of the Act (and implemented in § 412.101(b)(2)(ii)) are applicable to FYs 2011, 2012, and 2013, and the portion of FY 2014 before April 1, 2014 (that is, through March 31, 2014). As discussed later, we are revising the regulation text at § 412.101(b)(2)(ii) to reflect the extension of the temporary changes to the low-volume hospital definition through March 31, 2014.

To implement the extension of the temporary change in the low-volume hospital payment policy through the first half of FY 2014 (that is, for discharges occurring through March 31, 2014) provided for by the Pathway for SGR Reform Act, in accordance with the existing regulations at § 412.101(b)(2)(ii) and consistent with our implementation of the changes in FYs 2011 and 2012 and the extension of those changes in FY 2013, we are updating the discharge data source used to identify qualifying low-volume hospitals and calculate the payment adjustment (percentage increase) for FY 2014 discharges occurring before April 1, 2014. Under existing § 412.101(b)(2)(ii), for FYs 2011, 2012 and 2013, a hospital's Medicare discharges from the most recently available MedPAR data, as determined by CMS, are used to determine if the hospital meets the discharge criteria to receive the low-volume payment adjustment in the current year. The applicable low-volume percentage increase, as originally provided for by the provisions of the Affordable Care Act, is determined using a continuous linear sliding scale equation that results in a low-volume hospital payment adjustment ranging from an additional 25 percent for hospitals with 200 or fewer Medicare discharges to a zero percent additional payment adjustment for hospitals with 1,600 or more Medicare discharges.

For FY 2014 discharges occurring before April 1, 2014, consistent with our historical policy, qualifying low-volume hospitals and their payment adjustment will be determined using Medicare discharge data from the March 2013 update of the FY 2012 MedPAR file, as these data were the most recent data available at the time of the development of the FY 2014 payment rates and factors established in the FY 2014 IPPS/LTCH PPS final rule. Table 14 of this interim final rule with comment period (which is available only through the Internet on the CMS Web site at *http://www.cms.hhs.gov/AcuteInpatientPPS/01_overview.asp*) lists the ''subsection (d)'' hospitals with fewer than 1,600 Medicare discharges based on the March 2013 update of the FY 2012 MedPAR files and their FY 2014 low-volume payment adjustment (if eligible). Eligibility for the low-volume hospital payment adjustment for the first 6 months of FY 2014 is also dependent upon meeting (in the case of a hospital that did not qualify for the low-volume hospital payment adjustment in FY 2013) or continuing to meet (in the case of a hospital that did qualify for the low-volume hospital payment adjustment in FY 2013) the mileage criterion specified at § 412.101(b)(2)(ii). We note that the list of hospitals with fewer than 1,600 Medicare discharges in Table 14 does not reflect whether or not the hospital meets the mileage criterion. A hospital also must be located more than 15 road miles from any other IPPS hospital in order to qualify for a low-volume hospital payment adjustment for FY 2014 discharges occurring before April 1, 2014.

In order to receive a low-volume hospital payment adjustment under § 412.101, in accordance with our previously established procedure, a hospital must notify and provide documentation to its Medicare Administrative Contractor (MAC) that it meets the mileage criterion. The use of a Web-based mapping tool, such as MapQuest, as part of documenting that the hospital meets the mileage criterion for low-volume hospitals, is acceptable. The MAC will determine if the information submitted by the hospital, such as the name and street address of the nearest hospitals, location on a map, and distance (in road miles, as defined in the regulations at § 412.101(a)) from the hospital requesting low-volume hospital status, is sufficient to document that the hospital requesting low-volume hospital status meets the mileage criterion. The MAC may follow up with the hospital to obtain additional necessary information to determine whether or not the hospital meets the low-volume hospital mileage criterion. In addition, the MAC will refer to the hospital's Medicare discharge data determined by CMS (as provided in Table 14, which is available only through the Internet on the CMS Web site at *http://www.cms.hhs.gov/AcuteInpatientPPS/01_overview.asp*) to determine whether or not the hospital meets the discharge criterion, and the amount of the payment adjustment for FY 2014 discharges occurring before April 1, 2014, once it is determined that the mileage criterion has been met. The Medicare discharge data shown in Table 14, as well as the Medicare discharge data for all ''subsection (d)'' hospitals with claims in the March 2013 update of the FY 2012 MedPAR file, is also available on the CMS Web site for hospitals to view the count of their Medicare discharges. The data can be used to help hospitals decide whether or not to apply for low-volume hospital status.

Consistent with our previously established procedure, we are implementing the following procedure for a hospital to request low-volume hospital status for FY 2014 discharges occurring before April 1, 2014. In order for the applicable low-volume percentage increase to be applied to payments for its discharges beginning on or after October 1, 2013 (that is, the beginning of FY 2014), a hospital must make its request for low-volume hospital status in writing and this request must be received by its MAC no later than March 31, 2014. A hospital that qualified for the low-volume payment adjustment in FY 2013 may continue to receive a low-volume payment adjustment for FY 2014 discharges occurring before April 1, 2014 without reapplying if it continues

to meet the Medicare discharge criterion, based on the March 2013 update of the FY 2012 MedPAR data (shown in Table 14), and the distance criterion; however, the hospital must send written verification that is received by its MAC no later than March 31, 2014, that it continues to be more than 15 miles from any other ''subsection (d)'' hospital. This procedure is similar to the policy we established in the FY 2013 IPPS notice (78 FR 14689) implementing the extension of the temporary changes to the low-volume hospital payment adjustment for FY 2013 provided by section 605 of the ATRA, as well as the procedure for a hospital to request low-volume hospital status in the FY 2011 IPPS/LTCH final rule (see 75 FR 50274 through 50275) and FY 2012 IPPS/LTCH final rule (see 76 FR 51680) under the provisions of the Affordable Care Act.

Requests for low-volume hospital status for FY 2014 discharges occurring before April 1, 2014 that are received by the MAC after March 31, 2014 will be processed by the MAC, however, the hospital will not be eligible to have the low-volume hospital payment adjustment at § 412.101(c)(2) applied to such discharges. In general, this approach is consistent with our procedure for application of the extension of the changes to the low-volume payment adjustment for FY 2013 provided for by the ATRA to payments for discharges beginning on or after October 1, 2012. The MAC also will not apply the low-volume hospital payment adjustment at § 412.101(c)(2) prospectively in determining payments for the hospital's FY 2014 discharges, because, beginning on April 1, 2014, the 6-month extension of the temporary changes to the low-volume hospital payment adjustment policy provided for by the Pathway for SGR Reform Act will have expired and the low-volume hospital definition and payment methodology will revert back to the statutory requirements that were in effect prior to the amendments made by the Affordable Care Act. If the hospital would have otherwise met the criteria to qualify as a low-volume hospital under the temporary changes to the low-volume hospital policy, the MAC will notify the hospital that, although the hospital meets the low-volume hospital criteria set forth at § 412.101(b)(2)(ii) and would have had low-volume hospital status within 30 days from the date of the determination, the hospital does not meet the criteria for low-volume hospital status applicable for discharges occurring on or after April 1, 2014 at § 412.101(b)(2)(i).

Program guidance on the systems implementation of these provisions, including changes to PRICER software used to make payments, will be announced in an upcoming transmittal. In this interim final rule with comment, we are amending the regulations text at 42 CFR 412.101 to make conforming changes to the qualifying criteria and the payment adjustment for low-volume hospitals according to the amendments made by section 1105 of the Pathway for SGR Reform Act discussed previously.

In accordance with section 1886(d)(12) of the Act, beginning on April 1, 2014, the low-volume hospital definition and payment adjustment methodology will revert back to the statutory requirements that were in effect prior to the amendments made by the Affordable Care Act (as amended by the ATRA and the Pathway for SGR Reform Act). Specifically, for FY 2014 discharges occurring on or after April 1, 2014 and in subsequent years, in order to qualify as a low-volume hospital, a subsection (d) hospital must be more than 25 road miles from another subsection (d) hospital and have less than 200 discharges (that is, less than 200 total discharges, including both Medicare and non-Medicare discharges) during the fiscal year. (For additional information on the expiration of the temporary changes to the low-volume hospital payment adjustment, refer to section V.C.3. of the preamble of the FY 2014 IPPS/LTCH PPS final rule (78 FR 50612).)

B. Extension of the Medicare-Dependent, Small Rural Hospital (MDH) Program

Section 1106 of the Pathway for SGR Reform Act of 2013 provides for a 6-month extension of the Medicare-dependent, small rural hospital (MDH) program, effective from October 1, 2013 to March 31, 2014. Specifically, section 1106 of the Pathway for SGR Reform Act amended sections 1886(d)(5)(G)(i) and 1886(d)(5)(G)(ii)(II) of the Act by striking ''October 1, 2013'' and inserting ''April 1, 2014''. Section 1106 of the Pathway for SGR Reform Act also made conforming amendments to sections 1886(b)(3)(D)(i) and 1886(b)(3)(D)(iv) of the Act. Generally, as a result of this extension, a provider that was classified as an MDH as of the September 30, 2013 expiration of the MDH program, will be reinstated as an MDH effective October 1, 2013 through March 31, 2014, subject to the requirements of the regulations at § 412.108, with no need to reapply for MDH classification. (For additional information on the MDH program and the payment methodology, refer to the FY 2012 IPPS/LTCH PPS final rule (76 FR 51683 through 51684).)

Prior to the enactment of the ATRA, under section 3124 of the Affordable Care Act, the MDH program authorized by section 1886(d)(5)(G) of the Act was to expire at the end of FY 2012. Section 606 of the ATRA extended the MDH program through FY 2013. In the FY 2013 IPPS notice (78 FR 14689), we announced the extension of the MDH program through FY 2013 as provided by section 606 of the ATRA. We made the conforming regulatory changes in the FY 2014 IPPS/LTCH final rule (78 FR 50648 and 50966), amending the regulations at § 412.108(a)(1) and (c)(2)(iii) to reflect the statutory extension of the MDH program through FY 2013.

In this FY 2014 IPPS interim final rule with comment period, we are amending the regulations at § 412.108(a)(1) and (c)(2)(iii) to reflect the statutory extension of the MDH program through March 31, 2014, as provided for by section 1106 of the Pathway for SGR Reform Act. Since MDH status is now extended by statute through March 31, 2014, generally, hospitals that previously qualified for MDH status will be reinstated as an MDH retroactively to October 1, 2013. However, in the following two situations, the effective date of MDH status may not be retroactive to October 1, 2013.

1. MDHs That Classified as Sole Community Hospitals (SCHs) On or After October 1, 2013

In anticipation of the September 30, 2013 expiration of the MDH provision, and because a hospital cannot be both an SCH and an MDH (see section 1886(d)(5)(G)(iv)(III) of the Act and § 412.108(a)(1)(ii)), we allowed MDHs that applied for reclassification as sole community hospitals (SCHs) by August 31, 2013, to have such status be effective on October 1, 2013 under the regulations at § 412.92(b)(2)(v). MDHs that applied by the August 31, 2013 deadline and were approved for SCH classification received SCH status effective October 1, 2013. Hospitals that applied for SCH status after the August 31, 2013 SCH application deadline would have been subject to the usual effective date for SCH classification, that is, 30 days after the date of CMS' written notification of approval, resulting in an effective date of SCH status later than October 1, 2013. (This policy was noted in the FY 2014 IPPS/LTCH PPS final rule (78 FR 50648).)

In order to be reclassified as an MDH, these hospitals must first cancel their SCH status according to § 412.92(b)(4), because a hospital cannot be both an

SCH and an MDH, and then reapply and be approved for MDH status under § 412.108(b). However, we note that because the partial year extension of the MDH program pursuant to section 1106 of the Pathway to SGR Reform Act expires on March 31, 2014, there may not be sufficient time for hospitals that have reclassified as SCHs in anticipation of the expiration of the MDH program to cancel their SCH status in accordance with § 412.92(b)(4) and then reapply and be approved for MDH status under § 412.108(b) with an effective date prior to the March 31, 2014 expiration of the MDH program. Under § 412.92(b)(4), a hospital's cancellation of its SCH classification becomes effective no later than 30 days after the date the hospital submits its request. Under § 412.108(b)(3), the Medicare contractor will make a determination regarding whether a hospital meets the criteria for MDH status and notify the hospital within 90 days from the date that it receives the hospital's request and all of the required documentation. Under § 412.108(b)(4), a determination of MDH status made by the Medicare contractor is effective 30 days after the date the fiscal intermediary provides written notification to the hospital.

2. MDHs That Requested a Cancellation of Their Rural Classification Under § 412.103(b)

One of the criteria to be classified as an MDH is that the hospital must be located in a rural area. To qualify for MDH status, some MDHs reclassified from an urban to a rural hospital designation, under the regulations at § 412.103(b). With the September 30, 2013 expiration of the MDH provision, some of these providers may have requested a cancellation of their rural classification. Therefore, in order to qualify for MDH status, these hospitals must again request to be reclassified as rural under § 412.103(b) and must also reapply for MDH status under § 412.108(b).

We note that because the partial year extension of the MDH program pursuant to section 1106 of the Pathway to SGR Reform Act expires on March 31, 2014, there may not be sufficient time for hospitals that have canceled their rural reclassification in anticipation of the expiration of the MDH program to request to be reclassified as rural under § 412.103(b) and then reapply and be approved for MDH status under § 412.108(b) with an effective date before the March 31, 2014 expiration of the MDH program. As noted previously, under § 412.108(b)(3), the Medicare contractor will make a determination regarding whether a hospital meets the criteria for MDH status and notify the hospital within 90 days from the date that it receives the hospital's request and all of the required documentation. Under § 412.108(b)(4), a determination of MDH status made by the Medicare contractor is effective 30 days after the date the fiscal intermediary provides written notification to the hospital.

Any provider that falls within either of the two exceptions listed previously may not have its MDH status automatically reinstated effective October 1, 2013. That is, if a provider reclassified to SCH status or cancelled its rural status effective October 1, 2013, its MDH status will not be retroactive to October 1, 2013, but will instead be applied prospectively, if time permits, based on the date the hospital is notified that it again meets the requirements for MDH status, in accordance with § 412.108(b)(4), after the hospital reapplies for MDH status. Once granted, this MDH status will remain in effect through March 31, 2014, subject to the requirements at § 412.108. However, if a provider reclassified to SCH status or cancelled its rural status effective on a date later than October 1, 2013, MDH status will be reinstated effective from October 1, 2013 but will end on the date on which the provider changed its status to an SCH or cancelled its rural status. Those hospitals may also reapply for MDH status to be effective again 30 days from the date the hospital is notified of the determination, in accordance with § 412.108(b)(4). Once granted, this status will remain in effect through March 31, 2014 subject to the requirements at § 412.108. Providers that fall within either of the two exceptions, in order to reclassify as an MDH, will have to reapply for MDH status according to the classification procedures in 42 CFR 412.108(b). Specifically, the regulations at § 412.108(b) require the following:

- The hospital submit a written request along with qualifying documentation to its contractor to be considered for MDH status.
- The contractor make its determination and notify the hospital within 90 days from the date that it receives the request for MDH classification and all required documentation.
- The determination of MDH status be effective 30 days after the date of the contractor's written notification to the hospital.

For any MDH status requests received after March 31, 2014 (or for which the Medicare contractor's determination is made within 30 days of March 31, 2014, such that the effective date of MDH status would be after March 31, 2014), the Medicare contractor will process the request and send a letter to the hospital indicating that, although the hospital meets the MDH classification criteria set forth at § 412.108(a) and would have had a MDH status effective date of 30 days from the date of that letter, the MDH program has expired by that date under current law. That is, because section 1106 of the Pathway for SGR Reform Act extends the MDH program through March 31, 2014 only, MDH status cannot be applied for requests received after March 31, 2014 (or for which the Medicare contractor's determination is made within 30 days of March 31, 2014, such that the effective date of MDH status would be after March 31, 2014). The following are examples of various scenarios that illustrate how and when MDH status under section 1106 of the Pathway to SGR Reform Act will be determined for hospitals that were MDHs as of the September 30, 2013 expiration of the MDH program, subject to the timing considerations we have described previously:

Example 1: Hospital A was classified as an MDH as of the September 30, 2013 expiration of the MDH program. Hospital A retained its rural classification and did not reclassify as an SCH. Hospital A's MDH status will be automatically reinstated retroactively to October 1, 2013.

Example 2: Hospital B was classified as an MDH as of the September 30, 2013 expiration of the MDH program. Per the regulations at § 412.92(b)(2)(v) and in anticipation of the expiration of the MDH program, Hospital B applied for reclassification as an SCH by August 31, 2013, and was approved for SCH status effective on October 1, 2013. Hospital B's MDH status will not be automatically reinstated. In order to reclassify as an MDH, Hospital B must first cancel its SCH status, in accordance with § 412.92(b)(4), and reapply for MDH status under the regulations at § 412.108(b).

Example 3: Hospital C was classified as an MDH as of the September 30, 2013 expiration of the MDH program. Hospital C missed the application deadline of August 31, 2013 for reclassification as an SCH under the regulations at § 412.92(b)(2)(v) and was not eligible for its SCH status to be effective as of October 1, 2013. The MAC approved Hospital C's request for SCH status effective November 16, 2013. Hospital C's MDH status will be reinstated effective October 1, 2013 through November 15, 2013 and MDH status will be cancelled effective November 16, 2013. In order to

reclassify as an MDH, Hospital C must cancel its SCH status, in accordance § 412.92(b)(4), and reapply for MDH status under the regulations at § 412.108(b).

Example 4: Hospital D was classified as an MDH as of the September 30, 2013 expiration of the MDH program. In anticipation of the expiration of the MDH program, Hospital D requested that its rural classification be cancelled per the regulations at § 412.103(g). Hospital D's rural classification was cancelled effective October 1, 2013. Hospital D's MDH status will not be automatically reinstated. In order to reclassify as an MDH, Hospital D must first request to be reclassified as rural under § 412.103(b) and must reapply for MDH status under § 412.108(b).

Example 5: Hospital E was classified as an MDH as of the September 30, 2013 expiration of the MDH program. In anticipation of the expiration of the MDH program, Hospital E requested that its rural classification be cancelled per the regulations at § 412.103(g). Hospital E's rural classification was cancelled effective January 1, 2014. Hospital E's MDH status will be reinstated but only for the period of time during which it met the criteria for MDH status. Since Hospital E cancelled its rural status and was classified as urban effective January 1, 2014, MDH status will only be reinstated effective October 1, 2013 through December 31, 2013, and will be cancelled effective January 1, 2014. In order to reclassify as an MDH, Hospital E must first request to be reclassified as rural under § 412.103(b) and must reapply for MDH status under § 412.108(b).

Finally, we note that hospitals continue to be bound by § 412.108(b)(4)(i) through (iii) to report a change in the circumstances under which the status was approved. Thus, if a hospital's MDH status has been extended and it no longer meets the requirements for MDH status, it is required under § 412.108(b)(4)(i) through (iii) to make such a report to its MAC. Additionally, under the regulations at § 412.108(b)(5), Medicare contractors are required to evaluate on an ongoing basis whether or not a hospital continues to qualify for MDH status.

Program guidance on the systems implementation of these provisions, including changes to PRICER software used to make payments, will be announced in an upcoming transmittal. A provider affected by the MDH program extension will receive a notice from its MAC detailing its status in light of the MDH program extension. In this interim final rule with comment period, we are making conforming changes to the regulations text at § 412.108(a)(1) and (c)(2)(iii) to reflect the changes made by section 1106 of the Pathway to SGR Reform Act of 2013.

We also note that, in the FY 2014 IPPS/LTCH PPS final rule (78 FR 50620 through 50647), we implemented the changes to the payment adjustment methodology for Medicare disproportionate share hospitals (DSHs) required under section 3133 of the Affordable Care Act, which includes the new ''uncompensated care payment'' that began in FY 2014. In that same final rule (78 FR 50645), we adopted a policy of including an interim uncompensated care payment in the payment for each hospital discharge (that is, distributing interim uncompensated care payments on a per-discharge basis). At cost report settlement, we reconcile the total amounts paid on a per-discharge basis during the Federal fiscal year with the amount of the uncompensated care payment calculated for each hospital.

SCHs are paid based on their hospital-specific rate from certain specified base years or the Federal rate, whichever yields the greatest aggregate payment for the hospital's cost reporting period. In the FY 2014 IPPS/LTCH PPS final rule (78 FR 50644), we established a policy of including the uncompensated care payment amount as part of the Federal rate payment in the comparison of payments under the hospital-specific rate and the Federal rate for SCHs. Uncompensated care payments to MDHs were not explicitly addressed in the FY 2014 IPPS/LTCH PPS final rule because, prior to the enactment of the Pathway for SGR Reform Act, the MDH program was to expire at the end of FY 2013.

Section 1886(d)(5)(G) of the Act provides that, for discharges occurring on or after October 1, 2006, MDHs are paid based on the Federal rate or, if higher, the Federal rate plus 75 percent of the amount by which the Federal rate is exceeded by the updated hospital-specific rate from certain specified base years (see 76 FR 51684). The ''Federal rate'' used in the MDH payment methodology is the same ''Federal rate'' that is used in the SCH payment methodology. Accordingly, consistent with the policy established for SCHs in the FY 2014 IPPS/LTCH PPS final rule, in determining MDH payments for discharges occurring on or after October 1, 2013 and before April 1, 2014, a pro rata share of the uncompensated care payment amount for that period will be included as part of the Federal rate payment in the comparison of payments under the hospital-specific rate and the Federal rate. That is, in making this comparison at cost report settlement, we will include the pro rata share of the uncompensated care payment amount that reflects the period of time the hospital was paid under the MDH program for its discharges occurring on or after October 1, 2013 and before April 1, 2014. Consistent with the policy established for hospitals with Medicare cost reporting periods that span more than one Federal fiscal year in the interim final rule that appeared in the October 3, 2013 **Federal Register** titled ''FY 2014 IPPS Changes to Certain Cost Reporting Procedures Related to Disproportionate Share Hospital Uncompensated Care Payments'' (78 FR 61191), this pro rata share will be determined based on the proportion of the applicable Federal fiscal year that is included in that cost reporting period (78 FR 61192 through 61194).

Section 1106 of the Pathway for SGR Reform Act provides for an extension of the MDH program through March 31, 2014, only. Therefore, beginning April 1, 2014, all hospitals that previously qualified for MDH status will no longer have MDH status. At that time, the general policy and payment methodology will be the same as discussed in the FY 2014 IPPS/LTCH PPS final rule (78 FR 50648).

III. 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).

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Waiver of Proposed Rulemaking and Delay of Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment prior to a rule taking effect in accordance with section 553(b) of the Administrative Procedure Act (APA) and section 1871 of the Act. In addition, in accordance with section 553(d) of the APA and section 1871(e)(1)(B)(i) of the Act, we ordinarily provide a 30-day

delay to a substantive rule's effective date. For substantive rules that constitute major rules, in accordance with 5 U.S.C. 801, we ordinarily provide a 60-day delay in the effective date.

None of the processes or effective date requirements apply, however, when the rule in question is interpretive, a general statement of policy, or a rule of agency organization, procedure or practice. They also do not apply when the statute establishes rules to be applied, leaving no discretion or gaps for an agency to fill in through rulemaking.

In addition, an agency may waive notice and comment rulemaking, as well as any delay in effective date, when the agency for good cause finds that notice and public comment on the rule as well the effective date delay are impracticable, unnecessary, or contrary to the public interest. In cases where an agency finds good cause, the agency must incorporate a statement of this finding and its reasons in the rule issued.

The Pathway for SGR Reform Act requires the agency make the changes to the payment adjustment for low-volume hospitals and the MDH program set forth in this interim final rule with comment period for an additional 6 months, effective October 1, 2013 through March 31, 2014. We are conforming our regulations to specific statutory requirements contained in sections 1105 and 1106 of the Pathway to SGR Reform Act or that directly result from those statutory requirements and informing the public of the procedures and practices the agency will follow to ensure compliance with those statutory provisions. To the extent that notice and comment rulemaking or a delay in effective date or both would otherwise apply, we believe that there is good cause to waive such requirements and to implement the requirements of section 1105 and 1106 of the Pathway to SGR Reform Act through an interim final rule with comment period. Specifically, we find it unnecessary to undertake notice and comment rulemaking in this instance because this interim final rule with comment period sets forth the requirements for the extension of the temporary changes to the payment adjustment for low-volume hospitals and the MDH program as prescribed by the Pathway to SGR Reform Act. As the changes outlined in this interim final rule with comment period have already taken effect, it would also be impracticable to undertake notice and comment rulemaking. For the reasons outlined, we find good cause to waive the notice of proposed rulemaking for the requirements for the extension of the temporary changes to the payment adjustment for low-volume hospitals and the MDH program as prescribed by the Pathway to SGR Reform Act and issue these provisions on an interim final basis. Even though we are waiving notice of proposed rulemaking requirements and are issuing these provisions on an interim basis, we are providing a 60-day public comment period.

For these reasons, we also find that a waiver of any delay in effective date, if it were otherwise applicable, is necessary to comply with the requirements of the Pathway for SGR Reform Act of 2013. Therefore, we find good cause to waive notice and comment procedures as well as any delay in effective date.

VI. Regulatory Impact Analysis

A. Introduction

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 (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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. A regulatory impact analysis (RIA) must be prepared for regulatory actions with economically significant effects ($100 million or more in any 1 year). The changes announced in this interim final rule with comment period are ''economically'' significant, under section 3(f)(1) of Executive Order 12866, and therefore we have prepared a RIA, that to the best of our ability, presents the costs and benefits of this interim final rule with comment period. In accordance with Executive Order 12866, this interim final rule with comment period has been reviewed by the Office of Management and Budget.

The RFA requires agencies to analyze options for regulatory relief of small businesses, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small government jurisdictions. We estimate that most hospitals and most other providers and suppliers are small entities as that term is used in the RFA. The great majority of hospitals and most other health care providers and suppliers are small entities, either by being nonprofit organizations or by meeting the Small Business Administration definition of a small business (having revenues of less than $7.5 to $34.5 million in any 1 year). (For details on the latest standard for health care providers, we refer readers to page 33 of the Table of Small Business Size Standards at the Small Business Administration's Web site at *http://www.sba.gov/services/contractingopportunities/sizestandardstopics/tableofsize/index.html.*) For purposes of the RFA, all hospitals and other providers and suppliers are considered to be small entities. Individuals and States are not included in the definition of a small entity. We believe that this interim final rule with comment period will have a significant impact on small entities. Because we acknowledge that many of the affected entities are small entities, the analysis discussed in this section would fulfill any requirement for a final regulatory flexibility analysis.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. With the exception of hospitals located in certain New England counties, for purposes of section 1102(b) of the Act, we now define a small rural hospital as a hospital that is located outside of an urban area and has fewer than 100 beds.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4) also 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. In 2014, that threshold is approximately $141 million. This interim final rule with comment period will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

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 requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This interim final rule with comment period will not have a substantial effect on State and local governments.

Although this interim final rule with comment period merely reflects the implementation of two provisions of the Pathway for SGR Reform Act of 2013, we nevertheless prepared this impact analysis in the interest of ensuring that the impacts of these changes are fully understood. The following analysis, in conjunction with the remainder of this document, demonstrates that this interim final rule with comment period is consistent with the regulatory philosophy and principles identified in Executive Order 12866 and 13563, the RFA, and section 1102(b) of the Act. The provisions of this interim final rule with comment period will positively affect payments to a substantial number of small rural hospitals and providers, as well as other classes of hospitals and providers, and the effects on some hospitals and providers may be significant. The impact analysis, which discusses the effect on total payments to IPPS hospitals and providers, is presented in this section.

B. Statement of Need

This interim final rule with comment period is necessary to update the FY 2014 IPPS final payment policies to reflect changes required by the implementation of two provisions of the Pathway for SGR Reform Act. Section 1105 of the Pathway for SGR Reform Act extends the payment adjustment for low-volume hospitals through March 31, 2014. Section 1106 of the Pathway for SGR Reform Act extends the MDH program through March 31, 2014. As noted previously, program guidance on the systems implementation of these provisions, including changes to PRICER software used to make payments, will be announced in an upcoming transmittal.

C. Overall Impact

The FY 2014 IPPS/LTCH PPS final rule included an impact analysis for the changes to the IPPS included in that rule. This interim final rule with comment period updates those impacts to the IPPS to reflect the changes made by sections 1105 and 1106 of the Pathway for SGR Reform Act. Since these sections were not budget neutral, the overall estimates for hospitals have changed from our estimates that were published in the FY 2014 IPPS/LTCH PPS final rule (78 FR 51037). We estimate that the changes in the FY 2014 IPPS/LTCH PPS final rule, in conjunction with the changes included in this interim final rule with comment period, will result in an approximate $1.44 billion increase in total payments to IPPS hospitals relative to FY 2013 rather than the $1.2 billion increase we projected in the FY 2014 IPPS/LTCH PPS final rule (78 FR 51037).

D. Anticipated Effects

The impact analysis reflects the change in estimated payments to IPPS hospitals in FY 2014 as a result of the implementation of sections 1105 and 1106 of the Pathway for SGR Reform Act relative to estimated FY 2014 payments to IPPS hospitals that were published in the FY 2014 IPPS/LTCH PPS final rule (78 FR 51037). As described later in this regulatory impact analysis, FY 2014 IPPS payments to hospitals affected by sections 1105 and 1106 of the Pathway for SGR Reform Act are projected to increase by $227 million (relative to the FY 2014 payments estimated for these hospitals for the FY 2014 IPPS/LTCH PPS final rule). Therefore, we project that, on the average, overall IPPS payments in FY 2014 for all hospitals will increase by approximately an additional 0.24 percent as a result of the estimated $227 million increase in payments due to the provisions in the Pathway for SGR Reform Act compared to the previous estimate of FY 2014 payments to all IPPS hospitals published in the FY 2014 IPPS/LTCH PPS final rule.

1. Effects of the Extension of the Temporary Changes to the Payment Adjustment for Low-Volume Hospitals

The 6-month extension, through March 31, 2014, of the temporary changes to the payment adjustment for low-volume hospitals (originally provided for by the Affordable Care Act for FYs 2011 and 2012 and extended through FY 2013 under section 605 of the ATRA) as provided for under section 1105 of the Pathway for SGR Reform Act is a non-budget neutral payment provision. The provisions of the Affordable Care Act expanded the definition of low-volume hospital and modified the methodology for determining the payment adjustment for hospitals meeting that definition for FYs 2011 and 2012, and the provisions of the ATRA provided for an additional year extension, through FY 2013.

Prior to the enactment of the Pathway for SGR Reform Act, beginning October 1, 2013, the low-volume hospital definition and payment adjustment methodology was to return to the statutory requirements that were in effect prior to the amendments made by the Affordable Care Act and the ATRA. With the additional 6-month extension, through March 31, 2014, provided for by the Pathway for SGR Reform Act, based on FY 2012 claims data (March 2013 update of the MedPAR file), we estimate that approximately 600 hospitals will now qualify as a low-volume hospital through March 31, 2014. We project that these hospitals will experience an increase in payments of approximately $161 million as compared to our previous estimates of payments to these hospitals for FY 2014 published in the FY 2014 IPPS/LTCH PPS final rule.

2. Effects of the Extension of the MDH Program

The extension of the MDH program through March 31, 2014 as provided for under section 1106 of the Pathway for SGR Reform Act is a non-budget neutral payment provision. Hospitals that qualify as a MDHs receive the higher of operating IPPS payments made under the Federal standardized amount or the payments made under the Federal standardized amount plus 75 percent of the difference between the Federal standardized amount and the hospital-specific rate (a hospital-specific cost-based rate). Because this provision is not budget neutral, we estimate that the extension of this payment provision will result in a 0.1 percent increase in payments overall. Prior to the extension of the MDH program, there were 198 MDHs, of which 118 were estimated to be paid under the blended payment of the Federal standardized amount and hospital-specific rate in FY 2013 (78 FR 51019). Because those 118 MDHs will now receive the blended payment (that is, the Federal standardized amount plus 75 percent of the difference between the Federal standardized amount and the hospital-specific rate) for the first half of FY 2014 (until April 1, 2014), we estimate that those hospitals will experience an overall increase in payments of approximately $66 million as compared to our previous estimates of payments to these hospitals for FY 2014 published in the FY 2014 IPPS/LTCH PPS final rule.

E. Alternatives Considered

This interim final rule with comment period provides descriptions of the statutory provisions that are addressed and identifies policies for implementing these provisions. Due to the prescriptive nature of the statutory provisions, no alternatives were considered.

F. Accounting Statement and Table

As required by OMB Circular A–4 (available at *http://www.whitehouse.gov/omb/circulars/a004/a-4.pdf*), in Table I, we have prepared an accounting statement showing the classification of expenditures associated with the provisions of this interim final rule with comment period as they relate to acute care hospitals. This table provides our best estimate of the change in Medicare payments to providers as a result of the changes to the IPPS presented in this interim final rule with comment period. All expenditures are classified as transfers from the Federal government to Medicare providers. As previously discussed, relative to what was projected in the FY 2014 IPPS/LTCH PPS final rule, the changes in this interim final rule with comment period to implement sections 1105 and 1106 of the Pathway for SGR Reform Act of 2013 are projected to increase FY 2014 payments to IPPS hospitals by approximately $227 million.

TABLE I—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES UNDER THE IPPS FROM PUBLISHED FY 2014 TO REVISED FY 2014

Category	Transfers
Annualized Monetized Transfers	$227 million.
From Whom to Whom	Federal Government to IPPS Medicare Providers.
Total	$227 million.

List of Subjects in 42 CFR Part 412

Administrative practice and procedure, Health facilities, Medicare, Puerto Rico, Reporting and recordkeeping requirements.

For the reasons stated in the preamble of this interim final rule with comment period, the Centers for Medicare & Medicaid Services is amending 42 CFR Chapter IV as follows:

PART 412—PROSPECTIVE PAYMENT SYSTEMS FOR INPATIENT HOSPITAL SERVICES

■ 1. The authority citation for Part 412 continues to read as follows:

Authority: Sections 1102, 1862, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395y, and 1395hh).

§ 412.101 [Amended]

■ 2. Section 412.101 is amended by—

■ A. In paragraph (b)(2)(i), removing the phrase ''FY 2014 and subsequent fiscal years,'' and adding in its place the phrase ''the portion of FY 2014 beginning on April 1, 2014, FY 2015, and subsequent fiscal years,''.

■ B. In paragraph (b)(2)(ii), removing the phrase ''For FY 2011, FY 2012, and FY 2013,'' and adding in its place the phrase ''For FY 2011, FY 2012, FY 2013, and the portion of FY 2014 before April 1, 2014,''.

■ C. In paragraph (c)(1), removing the phrase ''FY 2014 and subsequent fiscal years,'' and adding in its place the phrase ''the portion of FY 2014 beginning on April 1, 2014 and subsequent fiscal years,''.

■ D. In paragraph (c)(2) introductory text, removing the phrase ''For FY 2011, FY 2012, and FY 2013,'' and adding in its place the phrase ''For FY 2011, FY 2012, FY 2013, and the portion of FY 2014 before April 1, 2014,''.

■ E. In paragraph (d), removing the phrase ''FY 2014 and subsequent fiscal years,'' and adding in its place the phrase ''the portion of FY 2014 beginning on April 1, 2014 and subsequent fiscal years,''.

§ 412.108 [Amended]

■ 3. Section 412.108 is amended by—

■ A. In paragraph (a)(1) introductory text, removing the phrase ''before October 1, 2013'' and adding in its place the phrase ''before April 1, 2014''.

■ B. In paragraph (c)(2)(iii) introductory text, removing the phrase ''before October 1, 2013'' and adding in its place the phrase ''before April 1, 2014''.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 26, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Approved: March 6, 2014.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2014–05922 Filed 3–14–14; 11:15 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 412, 413, 414, 419, 424, 482, 485, and 489

[CMS–1599–& 1455–CN5]

RINs 0938–AR53 and 0938–AR73

Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2014 Rates; Quality Reporting Requirements for Specific Providers; Hospital Conditions of Participation; Payment Policies Related to Patient Status; Corrections

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

ACTION: Final rules; correction.

SUMMARY: This document corrects technical errors in the final rules that appeared in the August 19, 2013 **Federal Register** titled ''Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2014 Rates; Quality Reporting Requirements for Specific Providers; Hospital Conditions of Participation; Payment Policies Related to Patient Status.''

DATES: This correcting document is effective on March 18, 2014.

FOR FURTHER INFORMATION CONTACT: Cindy Tourison (410) 786–1093.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2013–18956, which appeared in the August 19, 2013 **Federal Register** (78 FR 50496) entitled ''Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2014 Rates; Quality Reporting Requirements for Specific Providers; Hospital Conditions of Participation; Payment Policies Related to Patient Status'' (hereinafter referred to as the FY 2014 IPPS/LTCH PPS final rule) there were technical errors that are identified and corrected in the Correction of Errors section of this correcting document.

II. Summary of Errors in the Preamble

On page 50695, in the table entitled ''Finalized Performance Standards for Certain FY 2016 Hospital VBP Program Outcome Domain Measures,'' the performance standards for the PSI–90 measure are not consistent with the FY 2016 performance standards that we finalized for that measure. We also note that we have made similar corrections to the FY 2013 IPPS/LTCH PPS final rule published elsewhere in this issue of the **Federal Register.**

III. Waiver of Proposed Rulemaking and Delay of Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register.** This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

In our view, this correcting document does not constitute a rule that would be subject to the APA notice and comment or delayed effective date requirements. This correcting document corrects technical errors in certain HVBP tables but does not make substantive changes to the HVBP policies that were adopted in the final rule. As a result, this correcting document is intended to ensure that the HVBP tables accurately reflect the policies previously adopted for the HVBP Program.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest for providers to receive appropriate table values in as timely a manner as possible, and to ensure that the FY 2014 IPPS/LTCH PPS final rule accurately reflects our HVBP policies. Furthermore, such procedures would be unnecessary, as we are not altering our HVBP policies, but rather, we are simply implementing correctly the policy for calculating certain HVBP table values that we previously proposed, received comment on, and subsequently finalized. This correcting document is intended solely to ensure that the FY 2014 IPPS/LTCH PPS final rule accurately reflects these HVBP policies. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements.

IV. Correction of Errors

In FR Doc. 2013–18956 of August 19, 2013 (78 FR 50496), make the following corrections:

1. On page 50695, lower fourth of the page, in the table entitled ''FINALIZED PERFORMANCE STANDARDS FOR CERTAIN FY 2016 HOSPITAL VBP PROGRAM OUTCOME DOMAIN MEASURES,'' the performance standards for the PSI–90 measure are corrected to read as follows:

Measure ID	Description	Achievement threshold	Benchmark
	Outcome Measures		
PSI–90	Complication/Patient safety for selected indicators (composite)	0.616248	0.449988

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 6, 2014.

Jennifer M. Cannistra,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2014–05837 Filed 3–17–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 412, 413, 424, and 476

[CMS–1588–CN5]

RIN 0938–AR12

Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long Term Care Hospital Prospective Payment System and Fiscal Year 2013 Rates; Hospitals' Resident Caps for Graduate Medical Education Payment Purposes; Quality Reporting Requirements for Specific Providers and for Ambulatory Surgical Centers; Corrections

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

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors that appeared in the final rule that appeared in the August 31, 2012 **Federal Register** entitled ''Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long Term Care Hospital Prospective Payment System and Fiscal Year 2013 Rates; Hospitals' Resident Caps for Graduate Medical Education Payment Purposes; Quality Reporting Requirements for Specific Providers and for Ambulatory Surgical Centers.''

DATES: This correcting document is effective on March 18, 2014.

FOR FURTHER INFORMATION CONTACT: Cindy Tourison (410) 786–1093.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2012–19079, which appeared in the August 31, 2012 **Federal Register** (77 FR 53258) entitled ''Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long Term Care Hospital Prospective Payment System and Fiscal Year 2013 Rates; Hospitals' Resident Caps for Graduate Medical Education Payment Purposes; Quality Reporting Requirements for Specific Providers and for Ambulatory Surgical Centers'' there were technical errors that are identified and corrected in the Correction of Errors section of this correcting document.

II. Summary of Errors in the Preamble

On page 53602 and 53603, we inadvertently included Medicare Advantage (MA) claims in our calculation of the final performance standards that apply to the PSI–90 measure for the FY 2015 and FY 2016 Hospital Value-Based Purchasing Program.

We also note that we have made similar corrections to the FY 2014 IPPS/LTCH PPS final rule and these corrections are published elsewhere in this issue of the **Federal Register**.

III. Waiver of Proposed Rulemaking and Delay of Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

In our view, this correcting document does not constitute a rule that would be subject to the APA notice and comment or delayed effective date requirements. This correcting document corrects technical errors in certain HVBP tables but does not make substantive changes to the HVBP policies that were adopted in the final rule. As a result, this correcting document is intended to ensure that the HVBP tables accurately reflect the policies adopted in that final rule.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest for providers to receive appropriate corrected table values in as timely a manner as possible, and to ensure that the FY 2013 IPPS/LTCH PPS final rule accurately reflects our HVBP policies. Furthermore, such procedures would be unnecessary, as we are not altering our HVBP policies, but rather, we are simply implementing correctly the policy for calculating certain HVBP table values that we previously proposed, received comment on, and subsequently finalized. This correcting document is intended solely to ensure that the FY 2013 IPPS/LTCH PPS final rule accurately reflects these HVBP policies. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements.

IV. Correction of Errors

In FR Doc. 2012–19079 of August 31, 2012 (77 FR 53258), make the following corrections:

1. On pages 53601 and 53602, in the table entitled ''FINAL PERFORMANCE STANDARDS FOR THE FY 2015 HOSPITAL VBP PROGRAM CLINICAL PROCESS OF CARE, OUTCOME, AND EFFICIENCY DOMAINS,'' the performance standards for the PSI–90 Measure are corrected to read as follows:

Measure ID	Description	Achievement threshold	Benchmark
	Outcome Measures		
PSI–90	Patient safety for selected indicators (composite)	0.616248	0.449988

2. On page 53603, in the table entitled ''FINAL PERFORMANCE STANDARDS FOR FY 2016 HOSPITAL VBP PROGRAMS OUTCOME DOMAIN: MORTALITY/PSI COMPOSITE MEASURES,'' the performance standards for the PSI–90 Measure are corrected to read as follows:

Measure ID	Description	Achievement threshold	Benchmark
	Outcome Measures		
PSI–90	Patient safety for selected indicators (composite)	0.616248	0.449988

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 6, 2014.

Jennifer M. Cannistra,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2014–05836 Filed 3–17–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 107, 171, 172, 173, 175 and 178

[Docket No. PHMSA–2011–0158 (HM–233C)]

RIN 2137–AE82

Hazardous Materials: Adoption of Certain Special Permits and Competent Authorities Into Regulations

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Final rule.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials Regulations (HMR) to adopt provisions contained in certain widely used or longstanding special permits and certain competent authority approvals (''approvals'') that have established safety records. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the regulations provided an equivalent level of safety is maintained. An approval is a written consent (document) required under an international standard (i.e., International Maritime Dangerous Goods (IMDG) Code, International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI)), or is specifically provided for in the HMR, and is issued by the Associate Administrator for Hazardous Materials Safety. These revisions are intended to provide wider access to the regulatory flexibility offered in special permits and approvals and eliminate the need for numerous renewal requests, reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety.

DATES: This regulation is effective April 17, 2014. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of April 17, 2014.

FOR FURTHER INFORMATION CONTACT: Steven Andrews, Office of Hazardous Materials Safety, Standards and Rulemaking Division, (202) 366–8553, or, Diane LaValle, Office of Hazardous Materials Safety, Approvals and Permits Division, (202) 366–4535, Pipeline and Hazardous Materials Safety Administration (PHMSA), 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Executive Summary
II. Background
III. Overview of Amendments
IV. List of Commenters
V. Regulatory Analyses and Notices

I. Executive Summary

PHMSA is amending the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) to adopt several long standing special permits and competent authority approvals into the HMR. The identified special permits and competent authority approvals have a long history of safety. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the HMR provided an equivalent level of safety is maintained. A competent authority (CA) approval is a written consent (document) required under an international standard (i.e., International Maritime Dangerous Goods (IMDG) Code or International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI)) and is issued by the Associate Administrator for Hazardous Materials Safety.

In 2009, an audit of the Special Permits program by the Office of the Inspector General identified a need for an ongoing review of all open special permits with an outlook towards identifying those that should be made part of the HMR to reduce the overall economic burden to both affected industry and the government. Three rulemakings, HM–233A; PHMSA–2009–0289 (75 FR 27205), HM–245; PHMSA–2010–0017 (76 FR 5483), and HM–216B; PHMSA–2010–0018 (77 FR 37962) have successfully codified certain special permits into the HMR. These revisions provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety.

This Final Rule, HM–233C, continues this initiative by adopting several other long-standing special permits and competent authority approvals with proven safety records into the HMR. The special permits affected by the final rule represent variances from current regulations on topics categorized as follows:

- Limited quantities of liquids and solids containing ethyl alcohol.
- Transportation of solid coal tar pitch compounds.
- Transportation of certain ammonia solutions in UN1H1 and UN6HA1 drums.
- Transportation of spent bleaching earth.
- Requalification of non-DOT specification cylinders in life-saving appliances.
- Use of regulated medical waste containers displaying alternative markings.
- Adoption of special permits to harmonize with FAA Modernization and Reform Act of 2012.

The economic impact of the final rule can thus be summarized as follows:

NET COST: $0. Currently, industry must apply for a special permit in order to ship materials as described in this final rule. Adoption of these special permits into the HMR will reduce the burden on industry by no longer requiring industry to apply for a special permit to ship these materials. Therefore, this final rule does not impose any new costs to industry.

NET BENEFITS: $9,900 per year. (Averaged over 10 years, at a 7% annual discount rate.)

In addition to general positive economic impacts noted above, this final rule will eliminate the need for

numerous party-to applications and renewal requests. PHMSA estimates that the adoption of these special permits and competent authority approvals will result in 140 fewer responses per year.

II. Background

PHMSA is amending the HMR to adopt certain requirements based on existing special permits (SPs) issued by PHMSA under 49 CFR Part 107, Subpart B (§§ 107.101 to 107.127) and certain approvals issued under 49 CFR Part 107, Subpart D (§§ 107.401 to 107.405). A special permit sets forth alternative requirements—or a variance—to the requirements in the HMR in a way that achieves a safety level at least equal to the safety level required under the regulations or that is consistent with the public interest. See 49 CFR 107.105(d). Congress expressly authorized DOT to issue these variances in the Hazardous Materials Transportation Act (US Code: 49 U.S.C. 5109–5127) as amended. An approval is a written consent (document) required under an international standard (i.e., IMDG Code, ICAO TI), or is authorized in a specific section of the HMR and is issued by the Associate Administrator for Hazardous Materials Safety.

Special Permits

The HMR generally are performance-oriented regulations, which provide the regulated community with some flexibility in meeting safety requirements. Even so, not every transportation situation can be anticipated and built into the regulations. Innovation is the strength of our economy and the hazardous materials community is a leader in developing new materials and technologies and innovative ways of moving materials. Special permits enable the hazardous materials industry to quickly, effectively, and safely integrate new products and technologies into production and the transportation stream. Thus, special permits provide a mechanism for testing new technologies, promoting increased transportation efficiency and productivity, and ensuring global competitiveness. Hazardous materials transported under the terms of a special permit must achieve a level of safety at least equal to the level of safety achieved when transported under the HMR or that is consistent with the public interest. Implementation of new technologies and operational techniques may enhance safety. Special permits also reduce the volume and complexity of the HMR by addressing unique or infrequent transportation situations that would be difficult to accommodate in regulations intended for use by a wide range of shippers and carriers.

PHMSA conducts ongoing reviews of special permits to identify widely used and longstanding special permits with established safety records for conversion into regulations of broader applicability. Converting these special permits into regulations reduces paperwork burdens and facilitates commerce while maintaining an acceptable level of safety. Additionally, adoption of special permits as rules of general applicability provides wider access to the benefits and regulatory flexibility of the provisions granted in the special permits. Factors that influence whether or not a specific special permit is a candidate for regulatory action include: the safety record for hazardous materials transported or operations conducted under a special permit; potential broad application of a special permit; suitability of provisions in the special permit for adoption into the HMR; rulemaking activity in related areas; and agency priorities. During PHMSA's analysis of the suitability for adoption of each special permit, PHMSA performed a search of incident reports from the previous 10 years to determine whether there were any safety issues related to each special permit.

The special permits addressed in this final rule have hundreds of party status holders. Party status is granted to a person who intends to offer for transportation or transport a hazardous material or perform an activity subject to the HMR in the same manner as the original applicant.

These amendments to the HMR will eliminate the need for approximately 464 current holders to reapply for renewal of 20 special permits. Adoption of special permits into the HMR eliminates significant paperwork burdens. As a condition of a special permit issued by PHMSA and depending on the provisions of the special permit, a copy of each special permit must be: (1) maintained at each facility where an operation is conducted or a packaging is manufactured under a special permit; (2) maintained at each facility where a package is offered or re-offered for transportation under a special permit; and (3) in some cases, carried aboard each transport vehicle used to transport a hazardous material under a special permit.

Competent Authority Approvals

The HMR also allows for PHMSA to grant approvals to companies or organizations for the manufacturing of packages in accordance with the HMR. PHMSA has identified approvals that have an established safety record to adopt into the HMR. The approvals PHMSA identified for conversion into the HMR have an established safety record and warrant adoption into regulations of broader applicability. Converting these approvals into regulations reduces paperwork burdens and facilitates commerce while maintaining an acceptable level of safety. A copy of each approval must be maintained at each facility where a packaging is manufactured under this approval. The adoption of component authority approvals eliminates the renewal and maintenance requirements that were previously required. Additionally, adoption of approvals as rules of general applicability provides wider access to the benefits and regulatory flexibility of the provisions granted in the approvals. Factors that influence whether a specific approval is a candidate for regulatory action include: the safety record, whether broadly applicable, related rulemakings, and agency priorities.

Part 171

Section 171.7

Section 171.7 provides a listing of all standards incorporated by reference into the HMR. For this rulemaking, PHMSA is revising the entry for the Compressed Gas Association (CGA) Pamphlet C–6, Standards for Visual Inspection of Steel Compressed Gas Cylinders, 1993 to add a reference to § 172.102, (Special Provisions). This standard has a well-established and documented safety history; its revision will maintain the high safety standard currently achieved under the HMR.

III. Overview of Amendments

PHMSA would like to note that SP 13124 was accidently mentioned in this section in the NPRM. It was not PHMSA's intention to mention this special permit in this rulemaking. Special permit 13124 is no longer needed based on a final rule published in the **Federal Register** on October 1, 2003 [68 FR 44992] under docket number RSPA–2002–13658 (HM–215E). The special permits and competent authorities mentioned in this rulemaking are available for viewing on PHMSA's Web site at *http://phmsa.dot.gov/hazmat/permits-approvals.* In this Final Rule, PHMSA is revising the HMR by adopting the following special permits and competent authority approvals:

Special Permits

- DOT–SP 9275—Authorization for the transportation in commerce of certain limited quantities of liquids and

solids containing ethyl alcohol and exempt these shipments from the provisions of the HMR. PHMSA is modifying this adoption to limit containers using this exception to 8 fluid ounces and eliminating the need for marking the words ''contains ethyl alcohol on the package.'' Packages shipping between 8 fluid ounces and 1 gallon under this section are required to place the words ''contains ethyl alcohol'' on the package.

• DOT–SP 11263—Authorization for the transportation of Class 9 solid coal pitch compounds in non-specification open-top or closed-top sift proof metal cans or fiber drums.

• DOT–SP 11836—Authorization for the transportation in commerce of UN1H1 and UN6HA1 drums containing ammonia solutions that do not meet certain requirements contained in §§ 173.24 and 173.24a.

• DOT–SP 12134—Authorization of exceptions for spent bleaching earth (Division 4.2 PG III)

• DOT–SP 12825—Authorization to transport Life-saving appliances, self-inflating, containing non-specification steel cylinders between a vessel and an authorized facility for servicing.

• DOT–SP 14479—Authorization for the use of alternative shipping names and marking requirements for regulated medical wastes.

• Special Permits for Harmonization with the ''FAA Modernization and Reform Act of 2012''—PHMSA is adding an exception to the HMR for Oxygen cylinders and other Oxidizing cylinders transported aboard aircraft within the state of Alaska. This language will make several existing special permits no longer necessary.

This includes the following special permits: 14903, 14908, 15062, 15075, 15076, 15077, 15078, 15079, 15092, 15094, 15095, and 15143.

Approvals

• CA2005120010—Authorization to manufacture, mark, and sell UN4G combination packagings with outer fiberboard boxes and with inner fiberboard components that have basis weights that vary by not more than plus or minus 5% from the measured basis weight in the initial design qualification test report.

• CA20060660005—Authorization to manufacture, mark, and sell UN5M1 and UN5M2 multi-wall paper bags with individual paper wall basis weights that vary by plus or minus 5% from the nominal basis weights reported in the initial design qualification test report.

• CA2006060006—Authorization to manufacture, mark, and sell UN4G combination packagings with outer fiberboard components that have individual containerboard basis weights that vary by plus or minus 5% from the nominal basis weight reported in the initial design.

• CA2006010012—Authorization to manufacture, mark, and sell UN4G combination packagings with outer fiberboard boxes and with inner fiberboard components that have individual containerboard basis weight that vary by plus or minus 5% from the nominal basis weight reported in the initial design qualification test report.

Revision to Approvals Renewals

• PHMSA is revising this section to allow for approval holders applying for a timely renewal to continue using their approval after the expiration date if they apply within 60 days of the expiration dates.

IV. List of Commenters

In response to the NPRM, PHMSA received 36 comments. A majority of these commenters were in support of the Fibre Box Associations comments to increase the packaging variation of +/− 5% to +/− 10%. Other commenters mostly supported modifying the proposed adoption of SP 9275 to not include the requirement to mark packages with ''contains ethyl alcohol.'' The commenters and the docket number were the comments are located are listed below:

Commenter	Docket ID No.
American Trucking Association (ATA)	PHMSA–2011–0158–0019
Association of Hazmat Shippers	PHMSA–2011–0158–0031
Atlas Container	PHMSA–2011–0158–0037
Batavia Container, Inc.	PHMSA–2011–0158–0012
Bates Container	PHMSA–2011–0158–0011
Bemis Company	PHMSA–2011–0158–0034
California Box	PHMSA–2011–0158–0025
Council on Safe Transportation of Hazardous Articles, Inc	PHMSA–2011–0158–0029
Dangerous Goods Advisory Council	PHMSA–2011–0158–0030
Exopack, LLC	PHMSA–2011–0158–0009
Fibre Box Association	PHMSA–2011–0158–0004
Georgia Pacific	PHMSA–2011–0158–0022
Great Northern Corporation	PHMSA–2011–0158–0006
Green Bay Packaging	PHMSA–2011–0158–0008
Greif, LLC	PHMSA–2011–0158–0017
Healthcare Waste Institute	PHMSA–2011–0158–0028
Hood Packaging Corporation	PHMSA–2011–0158–0014
International Paper	PHMSA–2011–0158–0010
International Vessel Operators Dangerous Goods Association Inc (IVODGA)	PHMSA–2011–0158–0026
Langston Companies, Inc.	PHMSA–2011–0158–0036
Lawrence Paper Company	PHMSA–2011–0158–0015
Lonnie Jaycox	PHMSA–2011–0158–0002
Mall City Containers	PHMSA–2011–0158–0021
National Association of Chemical Distributors	PHMSA–2011–0158–0032
Niagara Sheets LLC	PHMSA–2011–0158–0027
Norampac	PHMSA–2011–0158–0020
Packaging Corporation of America	PHMSA–2011–0158–0024
Packaging Services	PHMSA–2011–0158–0005
Paper Shipping Sack Manufacturers' Association (PSSMA)	PHMSA–2011–0158–0018
Porto Packaging	PHMSA–2011–0158–0016
Pro-Pack Testing	PHMSA–2011–0158–0007
SMC Packaging Group	PHMSA–2011–0158–0023
Stericycle, Inc.	PHMSA–2011–0158–0003
United Parcel Service (UPS)	PHMSA–2011–0158–0033

Commenter	Docket ID No.
Viking Industries, Inc.	PHMSA–2011–0158–0013
Werthan Packaging Inc.	PHMSA–2011–0158–0035

V. Summary Review of Amendments and Response to Comments

A. Consumer Products Containing Liquids and Solids Containing Ethyl Alcohol

DOT–SP 9275 authorizes the transportation in commerce of certain beverages, foods, cosmetics, medicines, medical screening solutions and concentrates containing ethyl alcohol and exempts these shipments from the provisions of HMR. This special permit has been in effect since at least 1985 and had been utilized by hundreds of companies. However, on August 18, 2011 PHMSA found that SP 9275 did not provide a level of safety at least equivalent to the HMR due to the lack of hazard communications markings. This was discovered during PHMSA's review of all special permits as required by the DOT Office of the Inspector General (OIG) to ensure all special permits met an equivalent level of safety. PHMSA issued a revised version of SP 9275 to address the lack of hazard communication markings on August 18, 2011.

In response to the NPRM, PHMSA received several comments on how to adopt this special permit. Several commenters opposed the requirement for the shipments under the proposed section to require the words ''contains ethyl alcohol'' on the outside of the package. After careful consideration of these comments, PHMSA is adopting the special permit without requiring the words ''contains ethyl alcohol'' for shipments of ethyl alcohol in quantities not exceeding 8 fluid ounces in glass containers and not exceeding 16 fluid ounces in non-glass containers. For shipments of ethyl alcohol (not more than 70% concentration) in quantities greater than 8 fluid ounces in glass containers and greater than 16 ounces in non-glass containers, the words ''contains ethyl alcohol'' are required on the outside of the package. Shipments of ethyl alcohol in quantities of 8 ounces or less are not required to be marked with the words 'contains ethyl alcohol'.'' (This would apply to both greater than and less than 70% concentration.)

Therefore, PHMSA is adopting the terms of SP 9275 as revised on August 18, 2011 with modification. PHMSA is adopting this special permit to allow certain limited quantities of ethyl alcohol to be excepted from the applicable provisions of the HMR that require the packages to be marked with the words ''Contains Ethyl Alcohol.'' PHMSA is adding § 173.150(g) to allow for the shipment of limited quantities of ethyl alcohol of not exceeding 8 fluid ounces in glass containers and not exceeding 16 fluid ounces for non-glass containers without the term ''contains ethyl alcohol'' marked on the outside of the package. Packages containing 8 fluid ounces to 1 gallon shipped under this section require the marking ''contains ethyl alcohol'' on the outside of the package.

B. Transportation of Solid Coal Tar Pitch Compounds.

DOT–SP 11263 authorizes the transportation of solid coal tar pitch compounds, Class 9, in open-top and closed-top sift-proof metal cans or fiber drums. The special permit has been in effect since 1994 and has been utilized by 5 holders with an acceptable safety performance. In addition, PHMSA has no reported incidents over the past 10 years involving this special permit. The American Trucking Association (ATA) supports adoption of this special permit in response to the NPRM. PHMSA received no negative comments regarding this special permit in the NPRM.

Therefore, PHMSA is adopting the terms of DOT–SP 11263 into the HMR by amending the entry in § 172.101, The Hazardous Materials Table (HMT), for Environmentally hazardous substances, solids, n.o.s., UN 3077, by adding a new Special Provision N91 in Column 7. In addition, in § 172.102 new Special Provision N91 is added in appropriate sequence specifically authorizing the use of a non-DOT specification sift-proof, non-bulk, metal can with or without lid, or a non-DOT specification sift-proof, non-bulk fiber drum, with or without lid. The fiber drum is required to be fabricated with a three ply wall, as a minimum. The coal tar pitch compound must remain in a solid mass during transportation.

C. Transportation of Certain Ammonia Solutions in UN1H1 Drums, UN3H1 Jerricans, and UN6HA1 Composite Packagings

DOT–SP 11836 authorizes the transportation of specific ammonia solutions in specification UN1H1 drums, UN3H1 jerricans, and UN6HA1 composite packagings that do not meet the provisions in §§ 173.24(g) and 173.24a(b)(2). Specific operational controls are required in lieu of compliance with these two requirements. This special permit has been in effect since 1997 and has been utilized by at least 61 holders with an acceptable safety performance. In addition, PHMSA has no reported incidents over the past 10 years involving this special permit. American Trucking Association (ATA) supports adoption of this special permit in response to the NPRM. The National Association of Chemical Distributors supports adoption of this special permit into the HMR. PHMSA received no negative comments regarding this special permit in the NPRM.

Therefore, PHMSA is adopting the terms of DOT–SP 11836 into the HMR by amending the entry in the HMT for ''Ammonia solutions, *relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but not more than 35 percent ammonia,* UN 2672'', by adding a new Special Provision 336 in Column 7. In addition, in § 172.102 new Special Provision 336 is added in appropriate sequence specifically authorizing the use of DOT UN1H1 drums, UN3H1 jerricans, and UN6HA1 composite packagings which meet the requirements of Part 178 of the HMR at the Packing Group I or II performance level except that the packagings do not meet the venting requirements in § 173.24(g) and the hydrostatic pressure test marking specified in § 173.24a(b)(4). Transportation of these packages also requires the door of each van trailer to be marked with ''Warning trailer may contain chemical vapor. Do not enter until vapors have dissipated.'' The driver of the transport vehicle and the consignee(s) must be trained not to enter the transport vehicle until the ammonia vapors have dissipated, and the emergency response information on the hazardous materials shipping paper must indicate that the vehicle may contain ammonia vapors.

D. Transportation of Spent Bleaching Earth

DOT–SP 12134 authorizes the transportation of spent bleaching earth as a Division 4.2, solid, PG III, exempt from the provisions of the HMR, except as specifically required by the special permit. Packagings authorized under the

special permit are non-specification, sift-proof dump or hopper type vehicles, and sift-proof roll-on/roll-off bulk bins. All authorized packaging must be covered by a tarpaulin, metal cover, or equivalent means during transportation. The special permit also includes specific operational controls, including: the temperature of the spent bleaching earth may not exceed 55 °C at the time it is offered for transportation and any time during transportation; drivers must be specifically trained in handling and responding to emergency incidents involving the spent bleaching earth; and transport vehicles must be marked in accordance with § 172.302(a). This special permit has been in effect since 1999 and has been utilized by at least 27 holders with an acceptable safety performance. In addition, PHMSA has no reported incidents over the past 10 years involving this special permit. PHMSA received no comments regarding this special permit in the NPRM.

Therefore, PHMSA is adopting the terms of DOT–SP 12134 into the HMR by amending the entry in the HMT for ''self-heating solid, organic, n.o.s. (spent bleaching earth), UN 3088'', by adding a new Special Provision, B116 in Column 7. In addition, in § 172.102 new Special Provision B116 is added in appropriate sequence specifically authorizing the use of non-specification, sift-proof dump or hopper type motor vehicles, and sift-proof roll-on/roll-off bulk bins, which must be covered by a tarpaulin, metal cover, or equivalent means. The material also is subject to operational controls, including not exceeding a temperature of 55°C (130 °F) during transportation, not exceeding a transportation time of 24 hours, and drivers transporting spent bleaching earth must be trained in the properties and hazards of the spent bleaching earth and the actions required to mitigate the self-heating properties of the material that may occur during the transportation.

E. Requalification of non-DOT Specification Cylinders in Life-Saving Appliances

DOT–SP 12825 authorizes the transport between a vessel and a U.S. Coast Guard approved inflatable life raft servicing facility of life-saving appliances, self- inflating, containing non-DOT specification steel cylinders for the purpose of the servicing of such life-saving appliances. Specific operational controls are specified in the below listed Special Provision. This special permit has been in effect since 2001 and has been utilized by at least 54 holders with acceptable safety performance. In addition, PHMSA has no reported incidents since 2001 involving this special permit. PHMSA received a comment from the International Vessel Operators Dangerous Goods Association, Inc. (IVODGA) supporting adoption of SP 12825 into the HMR. PHMSA did not receive any negative comments in response to the NPRM.

Therefore, PHMSA is adopting the terms of DOT–SP 12825 into the HMR by revising the entry in the HMT for Life-saving appliances, self-inflating, UN 2990, by adding a new Special Provision 338 in Column 7. In addition, in § 172.102, new Special Provision 338 is added in appropriate sequence requiring that Life-saving appliances, self-inflating, UN 2990 being shipped between a vessel and a U.S. Coast Guard approved life raft servicing facility only be subject to the requirements of this special provision. A material meeting the requirements of this special provision is not otherwise be subject to the HMR.

F. Use of Regulated Medical Waste Containers Displaying Alternative Markings

DOT–SP 14479 authorizes the continued use of regulated medical waste containers manufactured before October 1, 2006 and marked with an alternative shipping name for UN 3291, ''Regulated medical waste, n.o.s.'' It also allows for orientation arrows that deviate from the prescribed color specification in the HMR. This special permit has been in effect since 2007 and has been utilized by at least 22 holders. In addition, PHMSA has no reported incidents since 2007 involving this special permit. PHMSA received comments from the Healthcare Waste Institute and Stericycle Inc. supporting adoption of this special permit. PHMSA received no negative comments regarding adoption of this special permit.

Therefore, PHMSA is adopting the terms of DOT–SP 14479 into the HMR by amending the entry in the HMT for Regulated Medical Waste, n.o.s., UN 3088, by adding a new Special Provision, 337 in Column 7. Special Provision 337 allows for the use of regulated waste containers marked with the alternative shipping name of Regulated medical waste, UN3291 and black or white orientation arrows that deviate from the prescribed specifications in § 172.312(a)(2).

G. Adoption of Oxygen Generator Special Permits to Harmonize With FAA Modernization and Reform Act of 2012

Section 824 of the FAA Modernization and Reform Act of 2012 includes a provision that allows for exceptions for cylinders of compressed oxygen or other oxidizing gases transported in the State of Alaska aboard aircraft. By adopting this statutory exception into the HMR, the following special permits will no longer be necessary: 14903, 14908, 15062, 15075, 15076, 15077, 15078, 15079, 15092, 15094, 15095, and 15143. These special permits all provide exceptions for the transportation of Oxygen and other Division 2.2 Oxidizing gases for transportation aboard aircraft in the State of Alaska. PHMSA received no comments regarding this special permit in the NPRM. Therefore, PHSMA is adopting the terms of these special permits in § 175.34.

H. Competent Authority CA2005120010 for Approval of Equivalent Packagings

This approval authorizes the manufacturing, marking, and selling of UN4G combination packagings with outer fiberboard boxes and with inner fiberboard components that have basis weights that vary by not more than plus or minus 5% from the measured basis weight in the initial design qualification test report. This approval was issued in 2009 and has demonstrated an acceptable safety performance. PHMSA has no reported incidents involving this approval. PHMSA received several comments in support of comments made by the Fibre Box Association to increase the variation from plus or minus 5% to plus or minus 10%. However, PHMSA does not have the historical data to support an increase in this variation to plus or minus 10%. Therefore, PHMSA is adopting the terms of CA2005120010 as proposed into the HMR in § 178.516(b)(7).

I. Competent Authority CA2006060005 for Approval of Equivalent Packagings

This approval authorizes the manufacture, mark, and sale of UN5M1 and UN5M2 multi-wall paper bags with individual paper wall basis weights that vary by not more than plus or minus 5% from the nominal basis weights reported in the initial design qualification test report. This approval was issued in 2009 and has demonstrated an acceptable safety performance. PHMSA has no reported incidents involving this approval. PHMSA received several comments in support of comments made by the Fibre Box Association to increase the variation from plus or

minus 5% to plus or minus 10%. However, PHMSA does not have the historical data to support an increase in this variation to plus or minus 10%. Therefore, PHMSA is adopting the terms of CA2006060005 in § 178.521(b)(4).

J. Competent Authority CA2006060006 for Approval of Equivalent Packagings

This approval authorizes the manufacture, mark, and sale of UN4G combination packagings with outer fiberboard components that have individual containerboard basis weights that vary by not more than plus or minus 5% from the nominal basis weight reported in the initial design. This approval was issued in 2009 and has demonstrated an acceptable safety performance. PHMSA received several comments in support of comments made by the Fibre Box Association to increase the variation from plus or minus 5% to plus or minus 10%. However, PHMSA does not have the historical data to support an increase in this variation to plus or minus 10%. Therefore, PHMSA is adopting the terms of CA2006060006 in § 178.516(b)(7).

K. Competent Authority CA2006010012 for Approval of Equivalent Packagings

This competent authority authorizes the manufacture, mark, and sale of UN4G combination packagings with outer fiberboard boxes and with inner fiberboard components that have individual containerboard basis weight that vary by not more than plus or minus 5% from the nominal basis weight reported in the initial design qualification test report. This approval was issued in 2006 and has demonstrated an acceptable safety performance. PHMSA received several comments in support of comments made by the Fibre Box Association to increase the variation from plus or minus 5% to plus or minus 10%. However, PHMSA does not have the historical data to support an increase in this variation to plus or minus 10%. Therefore, PHMSA is adopting the terms of CA2006010012 in § 178.516(b)(7).

L. Revision of § 107.705(c) for Renewing Approvals

PHMSA is revising this section to allow approval holders applying for a renewal to continue using their approval after the expiration date if they apply at least 60 days before the expiration date. PHMSA did not receive any comments on this proposal and, therefore, it will be adopted as proposed in the NPRM.

V. Rulemaking Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This Final Rule is published under the authority of 49 U.S.C. 5103(b) which authorizes the Secretary to prescribe regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce. 49 U.S.C. 5117(a) authorizes the Secretary of Transportation to issue a special permit from a regulation prescribed in 5103(b), 5104, 5110, or 5112 of the Federal Hazardous Materials Transportation Law to a person transporting, or causing to be transported, hazardous material in a way that achieves a safety level at least equal to the safety level required under the law, or consistent with the public interest, if a required safety level does not exist. This final rule amends the regulations by adopting provisions from certain widely used and longstanding special permits that have established a history of safety and which may, therefore, be converted into the regulations for general use.

B. Executive Order 12866, 13563, 13610 and DOT Regulatory Policies and Procedures

This final rule is considered a non-significant regulatory action under section 3(f) and was reviewed by the Office of Management and Budget (OMB). This final rule is considered a non-significant rule under the Regulatory Policies and Procedures order issued by the Department of Transportation [44 FR 11034]. Executive Order 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review that were established in Executive Order 12866 Regulatory Planning and Review of September 30, 1993. By building off of each other, these two Executive Orders 12866 and 13563 require agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.''

Executive Order 13610 (Identifying and Reducing Regulatory Burdens) reaffirmed the goals of Executive Order 13563 (Improving Regulation and Regulatory Review) issued January 18, 2011, and Executive Order 12866 (Regulatory Planning and Review) issued September 30, 1993. Executive Order 13610 directs agencies to prioritize ''those initiatives that will produce significant quantifiable monetary savings or significant quantifiable reductions in paperwork burdens while protecting public health, welfare, safety, and our environment.'' Executive Order 13610 further instructs agencies to give consideration to the cumulative effects of their regulations, including cumulative burdens, and prioritize reforms that will significantly reduce burdens.

In this final rule, PHMSA is amending the HMR to adopt alternatives this agency has permitted under widely used and longstanding special permits and approvals with established safety records that we have determined meet the safety criteria for inclusion in the HMR. Adoption of these special permits and approvals into regulations of general applicability provides shippers and carriers with additional flexibility to comply with established safety requirements, thereby reducing transportation costs and increasing productivity. In addition, the final rule reduces the paperwork burden on industry and this agency resulting from putting an end to the need for renewal applications for special permits. Taken together, the provisions of this final rule promotes the continued safe transportation of hazardous materials while reducing transportation costs for the industry and administrative costs for the agency.

The impact of this final rule is presumed to be minor as no new costs are imposed upon any stakeholders and those that currently hold special permits and CAs will find some relief from regulatory review for current practices. This final rule makes provisions that are currently approved in certain special permits available to all businesses operating in the U.S. without needing to submit party-to special permit applications to PHMSA, and current permit holders will no longer need renewals. Over the past decade, approximately 464 companies have applied for and/or renewed the special permits included in this final rule. Many of these special permits have had positive economic impacts by allowing companies to be accepted from requirements in the HMR when shipping certain quantities/types of materials or by allowing the use of less expensive non-specification packages when certain provisions are met. It is difficult to quantify the savings these special permits have allowed, but it should be noted that these savings are extended to other firms that would make use of the provisions once adopted into regulations. PHMSA calculates that this rulemaking results in a paperwork reduction that, on average, saves each applicant $39.50. PHMSA estimates that over a 10-year period there will be an estimated benefit total

totaling $18,328 affecting approximately 140 entities. In accordance with the Federal hazardous materials law (49 U.S.C. 5101 *et seq.*), initial issuances of special permits are for two years and can be renewed for four years thereafter. Thus, over 10 years, a special permit would on average be renewed twice for a total benefit of between $43,000 and $47,000. These figures are discounted annually by 3 and 7 percent to reflect the time value of money.

This final rule adopts four approvals into the HMR. This allows manufacturers of affected hazardous materials packaging to continue manufacturing packages without the need to renew their approvals. Adoption of the four approvals results in a one-time total economic benefit of $158. The renewal cycle for approvals can vary based on the applicant needs and regulatory authority, but are typically renewed every five years. At both 3 and 7 percent annual discount, this yields over $270 in benefits. Total benefits represent a small but positive sum (between $46,000 and $52,000) over 10 years affecting approximately 140 entities.

C. Executive Order 13132

This final rule was analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This final rule preempts state, local and Indian tribe requirements but does not create any regulation that has substantial direct effects on the states, the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of governments. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply. Federal hazardous material transportation law, 49 U.S.C. 5101–5128, contains an express preemption provision (49 U.S.C. 5125(b)) preempting state, local and Indian tribe requirements on certain covered subjects. Covered subjects are:

(1) The designation, description, and classification of hazardous materials;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(3) The preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous materials; or

(5) The designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing a package, container or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This final rule addresses covered subject items (2), (3), and (5) and would preempt any State, local, or Indian tribe requirements not meeting the ''substantively the same'' standard. Federal hazardous materials transportation law provides at 49 U.S.C. 5125(b)(2) that if PHMSA issues a regulation concerning any of the covered subjects, PHMSA must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. The effective date of federal preemption will be 90 days from publication of this final rule in this matter in the **Federal Register**.

D. Executive Order 13175

This final rule was analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Because this final rule does not have tribal implications and does not impose substantial direct compliance costs on Indian tribal governments, the funding and consultation requirements of Executive Order 13175 do not apply.

E. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities. An agency must conduct a regulatory flexibility analysis unless it determines and certifies that a rule is not expected to have a significant impact on a substantial number of small entities. This final rule adopts into the HMR certain widely used special permits. Adoption of these special permits into regulations of general applicability provides shippers and carriers with additional flexibility to comply with established safety requirements, thereby reducing transportation costs and increasing productivity. Entities affected by the final rule conceivably include all persons—shippers, carriers, and others—who offer and/or transport in commerce hazardous materials. The specific focus of the rule is on the adoption of special permits into the HMR. In a review of the companies using the identified special permits, PHMSA identified a combination of small and large businesses that are affected positively by this rulemaking. For example, the final rule accepts certain shipments from the specific documentation requirements of the HMR; these exceptions will increase shipping options and reduce shipment costs. Overall, this final rule reduces the compliance burden on the regulated industries, such as small businesses that dispose of medical waste, transporters of consumer products containing ethyl alcohol, and airlines transporting oxygen generators, without compromising transportation safety and should provide a slight positive economic benefit (i.e., reduced compliance burden) for those small entities. Therefore, we certify that this final rule will not have a significant economic impact on a substantial number of small entities. For example, special permit 9275 will no longer require businesses to apply for a special permit in order to ship common retail items such as cosmetics that would normally be shipped as a class 3 material.

This final rule has been developed in accordance with Executive Order 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') and DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered.

F. Paperwork Reduction Act

PHMSA has an approved information collection under OMB Control Number 2137–0051, ''Rulemaking, Special Permits, and Preemption Requirements.'' This final rule results in a decrease in the annual burden and costs under this information collection due to the changes that adopts provisions contained in certain widely used or longstanding special permits that have an established safety record.

Under the Paperwork Reduction Act of 1995, no person is required to respond to an information collection unless it has been approved by OMB and displays a valid OMB control number. Section 1320.8(d), title 5, Code of Federal Regulations requires that PHMSA provide interested members of the public and affected agencies an opportunity to comment on information and recordkeeping requests.

This final rule identifies a revised information collection request that PHMSA will submit to OMB for approval based on the requirements in this final rule. PHMSA has developed burden estimates to reflect changes in this final rule. PHMSA estimates that

the information collection and recordkeeping burden of this final rule is as follows:

OMB CONTROL NO. 2137–0051

Net Decrease in Annual Number of Respondents	434
Net Decrease in Annual Responses	434
Net Decrease in Annual Burden Hours	434
Net Decrease in Annual Burden Costs	$17,143

PHMSA received no comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval in the NPRM.

Requests for a copy of this information collection should be directed to Deborah Boothe or T. Glenn Foster, Office of Hazardous Materials Standards (PHH–11), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone (202) 366–8553.

Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this rulemaking. We must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this rulemaking. In addition, you may submit comments specifically related to the information collection burden to the PHMSA Desk Officer, Office of Management and Budget, at fax number (202) 395–6974.

G. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document may be used to cross-reference this action with the Unified Agenda.

H. Unfunded Mandates Reform Act of 1995

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $141.3 million or more to either state, local or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

I. Environmental Assessment

The National Environmental Policy Act, 42 U.S.C. 4321–4375, requires that federal agencies analyze proposed actions to determine whether the action will have a significant impact on the human environment. The Council on Environmental Quality (CEQ) regulations requires federal agencies to conduct an environmental review considering (1) the need for the proposed action (2) alternatives to the proposed action (3) probable environmental impacts of the proposed action and alternatives and (4) the agencies and persons consulted during the consideration process. 40 CFR 1508.9(b).

The Need for This Action

The purpose and need of this rulemaking is to adopt certain approvals related to air transportation in Alaska and widely used special permits or those with an established safety record into the HMR for universal use. PHMSA is working to reduce the number of special permits to reduce administrative burden to both the government and private industry while affording the benefits of certain special permits that have been vetted for safety to a wider audience.

This rule follows an FAA statutory provision that requires PHMSA to adopt certain special permits into the HMR. Section 824 of the FAA Modernization and Reform Act of 2012 includes a provision that allows for exceptions for cylinders of compressed oxygen or other oxidizing gases transported in the State of Alaska aboard aircraft. These special permits all provided exceptions for the transportation of Oxygen and other Division 2.2 Oxidizing gases for transportation aboard aircraft in the state of Alaska.

The need for hazardous materials to support essential services and industry means transportation of highly hazardous materials is necessary. PHMSA conducted a periodic review of Special Permits that have a long history of safety. After this review PHMSA determined that certain special permits were candidates for adoption into the HMR.

Special Permit 9275 authorizes the transportation in commerce of certain consumer products of liquids and solids containing ethyl alcohol and exempts these shipments from the provisions of HMR. This Special Permit is used frequently by the cosmetics industry to move very small quantities of ethyl alcohol contained in consumer products. After reviewing the history of this Special Permit, PHMSA found an adequate safety record for adoption into the HMR.

Special Permit 11263 authorizes the transportation of solid coal tar pitch compounds, Class 9, in open-top and closed-top sift-proof metal cans or fiber drums. Coal tar pitch is a black or dark-brown amorphous residue produced by the distillation or heat treatment of coal tar. It is a solid at room temperature and exhibits a broad softening range instead of a defined melting temperature. Among other uses, coal tar pitch is used as a base for coatings and paint, in roofing and paving, and as a binder in asphalt products. This Special Permit authorizes the use of a specification package with a proven safety record in order to mitigate a potential release of coal tar pitch compounds. During a review of long standing Special Permits, PHMSA found that this Special Permit had an adequate safety record and provided an equivalent level of safety to the HMR.

Special Permit 11836 authorizes the transportation of specific ammonia solutions in specification UN1H1 drums, UN3H1 jerricans, and UN6HA1 composite packagings. Ammonia solutions are a clear colorless liquid consisting of ammonia dissolved in water which is corrosive to tissue and metals. This Special Permit is utilizes the use of specification packages with a proven safety record in order to mitigate a potential release of ammonia solutions. During a review of long standing Special Permits, PHMSA found that this Special Permit had an adequate safety record and provided an equivalent level of safety to the HMR.

Special Permit 12134 authorizes the transportation of spent bleaching earth as a Division 4.2, solid, PG III, exempt from the provisions of the HMR. Spent bleaching earth, is a solid waste from the edible oil industry can be converted to a clay-carbon adsorbent for potential reuse in the adsorptive cleansing of vegetable oils. This Special Permit utilizes the use of a specification package with a proven safety record that will mitigate a potential release of spent bleach earth material. During a review of long standing Special Permits, PHMSA found that this Special Permit had an adequate safety record and provided an equivalent level of safety to the HMR.

Special Permit 12825 authorizes the transportation of life-saving appliances, self-inflating, that contain non-DOT specification steel cylinders for the purpose of movement between a vessel and a U.S. Coast Guard approved inflatable life raft servicing facility in conjunction with the servicing of such life-saving appliances. Adoption of this

Special Permit is needed to ensure that these life-saving appliances are serviced without delay. During a review of long standing Special Permits, PHMSA found that this Special Permit had an adequate safety record and provided an equivalent level of safety to the HMR.

Special Permit 14479 authorizes the continued use of regulated medical waste containers manufactured before October 1, 2006 and marked with an alternative shipping name for UN 3291 and orientation arrows. The packages are used in the medical waste industry to ship low hazard medical waste to disposal facilities. Adoption of this Special Permit allows the medical waste industry to continue using packages authorizes safely transport medical waste in these pacakging. During a review of long standing Special Permits, PHMSA found that this Special Permit had an adequate safety record and provided an equivalent level of safety to the HMR.

Alternatives to the Proposed Action

Information about benefits of this final rulemaking action can be found in the preamble (i.e., ''Overview of Proposed Amendments) to this rulemaking. The alternatives considered in the analysis include (1) the proposed action, that is, adoption of the proposed special permits as amendments to the HMR; (2) adoption of some subset of the proposed special permits (i.e., only some of the proposed special permits) as amendments to the HMR; and (3) the ''no action'' alternative, meaning that none of the proposed special permits would be adopted into the HMR.

Analysis of the Alternatives

(1.) Adopt All Special Permits and Competent Authority Approvals

The selected alternative amends certain HMR requirements including methods for packaging, describing, and transporting hazardous materials that are currently permitted under widely used special permits with established safety records for inclusion in the HMR. This final rule allows the transportation of the following hazardous materials and packages in accordance with the following former special permits in ways that vary from certain other provisions in the HMR:

Special Permit 14479

The adoption of this Special Permit will allow for ''UN 3291, Regulated medical waste, n.o.s.,'' to be shipped using alternative shipping names and marking requirements for regulated medical wastes. Use of this alternative shipping name and marking requirements is not expected to have any negative effects on safety or the environment.

Special Permit 12825

The adoption of this Special Permit allows for the shipment of non-flammable compressed gases in non-DOT specification steel cylinders for use in life-saving appliances. Allowing the uses of non-DOT specification cylinders in life saving appliances is not expected to have any effects on safety or the environment.

Special Permit 9275

The adoption of this Special Permit allows consumer products of liquids and solids containing ethyl alcohol to be exempted from the HMR. These low hazard, low quantity packages containing ethyl alcohol are not expected to have any negative effect on safety or the environment.

Special Permit 11263

The adoption of this Special Permit allows ''UN3077, coal tar pitch compounds'' to be shipped in non-specification open-top or closed-top sift proof metal cans or fiber drums. The use of this alternative package for the shipment of coal tar pitch compounds is not expected to have any negative effect on safety or the environment.

Special Permit 12134

The adoption of this Special Permit allows ''UN 3088, spent bleaching earth'' to be exempt from the requirements of the HMR when shipped in non-specification, sift-proof dump or hopper type vehicles. Exempting these materials from the HMR when shipped in these alternative packages is not expected to have any negative effect on safety or the environment.

Special Permit 11836

The adoption of this Special Permit allows ''UN 2672, ammonia solutions'' to be shipped in UN1HI drums, UN3H1 jerricans, and UN6HA1 composite packages that do not meet provision in §§ 173.24 and 173.24a. Allowing shipments of these materials in these packages is not expected to have any negative effects on safety or the environment.

Summary

These hazardous materials are capable of affecting human health and the environment if a release were to occur. However, adoption of these special permits maintains an equivalent level of safety as provided in the special permits.

(2.) Adoption of a Subset of Special Permits

PHMSA considered a wide array of special permits for adoption. It also considered adopting a smaller subset of special permits.'' However, the full benefits would not be realized as some permits would not be adopted.

(3.) No Action

If no action is taken then Special Permits will continue to be issued resulting in no change to the current potential affects to the environment.

Probable Environmental Impacts of the Proposed Action and Alternatives

This final rule allows the transportation of the following hazardous materials and packages in ways that vary from certain other provisions in the HMR:

- ''UN 3291, Regulated medical waste, n.o.s.,''—PHMSA considered whether alternative markings would be sufficient in providing adequate hazardous communication. The package described in this special permit does not differ from packages currently allowed under the HMR with the exception of the allowed markings and thus will not impose any addition risk to the environment. Medical waste transportation is regulated to avoid risk of injury, infection, and contamination. In addition, as described above, PHMSA has no report of incidents under this special permit and thus expects there will be no impact to the environment.
- Non-flammable gasses shipped in non-DOT specification steel cylinders for use in life-saving appliances—PHMSA considered whether the limited use of non-DOT specification cylinders between U.S. Coast Guard ships and servicing facilities would pose a risk to the environment. The cylinders used in this special permit contain inert gases which if released would pose little to no risk to the environment. The regulation of compressed gas cylinders requires testing to ensure integrity and functionality of the cylinder. Cylinder rupture or failure can cause serious injury or death. In addition, as described above, PHMSA has no reports of incidents under this special permit and thus expects there will be no impact to the environment.
- Beverages, food, cosmetics and medicines, medical screening solutions, and concentrates classed as a flammable liquid or flammable solid containing ethyl alcohol—PHMSA considered whether the shipment of these low hazard consumer products containing ethyl alcohol would pose a risk to the environment. These packages contain

ethyl alcohol which is a flammable liquid. A release from one of these containers would pose little risk to safety or the environment due to the very limited quantity in each container. In addition, as described above, PHMSA has no reports of incidents under this special permit and thus expect there will be no impact to the environment.

• ''UN3077, coal tar pitch compounds''—PHMSA considered whether the shipment of coal tar pitch compounds in open-top and closed-top sift-proof metal cans or fiber drums would pose a risk to the environment. Coal tar pitch is a black or dark-brown amorphous residue produced by the distillation or heat treatment of coal tar. Coal tar pitch compounds contain various chemical vapors that become airborne during the heating of coal tar pitch. Coal tar pitch is a flammable liquid and a known carcinogen. An accidental release of ''coal tar pitch compounds'' could result in contamination of surrounding environmental medium (air, water, soil). However, as described above, PHMSA has no reports of incidents under this special permit and thus expects there will be no impact to the environment.

• ''UN 3088, spent bleaching earth''—PHMSA considered whether the shipment of spent bleaching earth in non-specification, sift-proof dump or hopper type vehicles would pose a risk to the environment. These packages contain ''spent bleaching earth'' which is a solid waste from the edible oil industry. Spent bleaching earth can be flammable, as it contains oil residue. An accidental release of ''spent bleaching earth'' could result in possible contamination of surrounding environmental medium (air, water, soil). However as described above, PHMSA has no reports of incidents under this special permit and thus expects there will be no impact to the environment.

• ''UN 2672, ammonia solutions''—PHMSA considered whether the shipment of ammonia solutions in UN1H1 and UN6HA1 drums would pose a risk to the environment. Ammonia can cause irritation and damage to mucous membranes and lungs, depending on concentration. An accidental release of Ammonia solutions could result in possible contamination of surrounding environmental mediums (air, water, soil). However, as described above, PHMSA has no reports of incidents under this special permit and thus expects there will be no impact to the environment.

Hazardous materials shipments frequently move through densely populated or environmentally sensitive areas where the consequences of an incident could be loss of life, serious injury, or significant environmental damage. Because of the vastness of transportation networks, nearly any community or ecosystem could be affected by a hazardous materials release during transportation. Therefore, impacts from a release could affect include atmospheric, aquatic, terrestrial, and vegetal resources (for example, wildlife habitats). The adverse environmental impacts associated with releases of most hazardous materials are short-term impacts that can be greatly reduced or eliminated through prompt clean-up of the incident scene.

In all modes of transport, the potential for environmental damage or contamination exists when packages of hazardous materials are involved in transportation incidents. The process through which safety permits are issued requires the applicant to demonstrate that the alternative transportation method or packaging proposed provides an equivalent level of safety as that provided in the HMR. Implicit in this process is that the special permit must provide an equivalent level of environmental protection as that provided in the HMR. Thus, adoption of the special permits as regulations of general applicability maintain the existing environmental protections built into the HMR. The special permits and approvals adopted into the HMR have consistently demonstrated a long history of safe use. In its review of these special permits and approval, PHMSA did not identify any incidents that had a significant effect on the environment. These special permits have a long history of transporting the above mentioned hazardous materials safely and without any effects on the environment. Therefore, we find that adoption of the above described special permits into the HMR will not have any significant positive or negative impact on the environment.

Agencies and Persons Consulted During the Consideration Process

This final rule would affect some PHMSA stakeholders, including hazardous materials shippers and carriers by air, highway, rail and vessel. PHMSA sought comment on the environmental assessment contained in the October 22, 2012, NPRM published under Docket PHMSA–2011–0158 [77 FR 64450] (HM–233C) however, PHMSA did not receive any comments on the environmental assessment contained in that rulemaking. In addition, PHMSA sought comment from the following modal partners:

• Federal Aviation Administration
• Environmental Protection Agency
• Federal Motor Carrier Safety Administration
• United States Coast Guard

Conclusion

PHMSA is making numerous amendments to the HMR through the adoption of special permits and approvals. The amendments adopted in this final rule are intended to update, clarify, or provide relief from certain existing regulatory requirements to promote safer transportation practices; eliminate unnecessary regulatory requirements; finalize outstanding petitions for rulemaking; facilitate international commerce; and, in general, make the requirements easier to understand and follow.

Given that this rulemaking amends the HMR to adopt provisions contained in certain widely-used or longstanding special permits that have an established safety record, these changes in regulation should in fact increase safety and environmental protections. Furthermore, while the net environmental impact of this rule will be positive, we believe there will be no significant environmental impacts associated with this final rule.

J. Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or at *www.dot.gov/provacy*.

K. Executive Order 13609 and International Trade Analysis

Under E.O. 13609, agencies must consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal

agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA participates in the establishment of international standards in order to protect the safety of the American public, and we have assessed the effects of the final rule to ensure that it does not cause unnecessary obstacles to foreign trade. Accordingly, this rulemaking is consistent with E.O. 13609 and PHMSA's obligations.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Penalties, Reporting and record keeping requirements.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 175

Hazardous materials transportation, Air carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, we are amending 49 CFR Chapter I as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

■ 1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4 (28 U.S.C. 2461 note); Pub. L. 104–121 sections 212–213; Pub. L. 104–134 section 31001; 49 CFR 1.45, 1.53.

■ 2. In § 107.705, revise paragraph (c) to read as follows:

§ 107.705 Registrations, reports, and applications for approval.

* * * * *

(c) For an approval with an expiration date, each application for renewal or modification must be filed in the same manner as an original application. If, at least 60 days before an existing approval expires the holder files an application for renewal that is complete and conforms to the requirements of this section, the approval will not expire until final administrative action on the application for renewal has been taken. Operation under an expired approval not filed within 60 days of the expiration date is prohibited. This paragraph does not limit the authority of the Associate Administrator to modify, suspend or terminate an approval under § 107.713.

* * * * *

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 3. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.45 and 1.53; Pub. L. 101–410 section 4 (28 U.S.C. 2461 note); Pub. L. 104–134 section 31001.

■ 4. In § 171.7, revise paragraph (n)(3) to read as follows:

§ 171.7 Reference material.

* * * * *

(n) * * *

(3) CGA Pamphlet C–6, Standards for Visual Inspection of Steel Compressed Gas Cylinders, 1993, into § 172.102, § 173.3, 173.198, 180.205, 180.209, 180.211, 180.411, 180.519.

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PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

■ 5. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 44701; 49 CFR 1.53.

■ 6. In § 172.101, revise following entries in the Hazardous Materials Table to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Numbers	PG	Label Codes	Special Provisions (§ 172.102)	(8) Packaging (§ 173.***)			(9) Quantity limitations (see §§ 173.27 and 175.75)		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	[Revise]												
	Ammonia solutions, *relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but not more than 35 percent ammonia.*	*8*	UN2672	III	8	336, IB3, IP8, T7, TP1.	154	203	241	5L	60L	A	40, 52, 85
	*		*	*	*		*	*	*				
	Environmentally hazardous substances, solid, n.o.s.	9	UN3077	III	9	8,146, 335, A112, B54, B120, IB8, IP3, N20, N91, T1, TP33.	155	213	240	No Limit	No Limit	A.	
	*		*	*	*		*	*	*				
	Life-saving appliances, self-inflating.	9	UN2990		None	338	None	219	None	No limit	No limit	A.	
	*		*	*	*		*	*	*				
	Regulated medical waste, n.o.s. or Clinical waste, unspecified, n.o.s. or (BIO) Medical waste, n.o.s., or Biomedical waste, n.o.s. or Medical waste, n.o.s.	6.2	UN3291	II	6.2	41, A13, 337.	134	197	197	No limit	No limit	B	40
	Self-heating solid, organic, n.o.s.	4.2	UN3088	II	4.2	IB6, IP2, T3, TP33.	None	212	241	15kg	50kg	C.	
				III	4.2	IB8, IP3, T1, TP33. B116.	None	212	241	15kg	50kg	C.	

■ 7. Section 172.102 is amended:
■ a. In paragraph (c)(1), Special provisions 336, 337, and 338 are added;
■ b. In paragraph (c)(3), Special provision B116 is added; and
■ c. In paragraph (c)(5), Special provision N91 is added.

The additions read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

Code/Special Provisions

* * * * *

336 The use of UN1H1 drums, UN3H1 jerricans, and UN6HA1 composite packagings which meet the requirements of Part 178 of the HMR at the Packing Group I or II performance level. These packagings are not required to: (1.) meet the venting requirements in § 173.24(g) or (2.) be marked with the hydrostatic pressure test marking specified in § 173.24a(b)(4). Shipment of packages under this special provision must be made by private or contract motor carrier. Transportation of these packages also requires the door of each van trailer to be marked with ''Warning trailer may contain chemical vapor. Do not enter until vapors have dissipated.'' The driver of the transport vehicle and the consignee(s) must be trained not to enter the transport vehicle until the ammonia vapors have dissipated, and the emergency response information on the shipping paper must indicate that the vehicle contains ammonia vapors. This training must be documented in training records required by § 172.704(d). Transport vehicles must be vented to prevent accumulation of vapors at a poisonous or flammable concentration.

337 Authorizes the use of regulated waste containers manufactured prior to October 1, 2006 to be marked with the alternative shipping name of Regulated medical waste, UN3291 and arrows that deviate as prescribed in § 172.312(a)(2) in that they may be black or white.

338 Life Saving appliances, self-inflating transported between an U.S. Coast Guard approved inflatable life raft servicing facility and a vessel are only subject to the following requirements:

a. Prior to repacking into the life-saving appliance, an installed inflation cylinder must successfully meet and pass all inspection and test criteria and standards of the raft manufacturer and the vessel Flag State requirements for cylinders installed as part of life-saving appliances, self-inflating (UN2990) used on marine vessels. Additionally, each cylinder must be visually inspected in accordance with CGA pamphlet, CGA C–6 (incorporated by reference, see § 171.7). A current copy of CGA pamphlet, CGA C–6 must be available at the facility servicing the life-saving appliance.

b. An installed inflation cylinder that requires recharging must be filled in accordance with § 173.301(l).

c. Every installed inflation cylinder, as associated equipment of the life-saving appliance, must be packed within the protective packaging of the life raft and the life raft itself must otherwise be in compliance with § 173.219.

d. The serial number for each cylinder must be recorded as part of the life-saving appliance service record by the U.S. Coast Guard-approved servicing facility.

* * * * *

(3) * * *

Code/Special Provisions

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B116 The use of non specification, sift-proof dump or hopper type vehicles, and sift-proof roll-on/roll-off bulk bins, which must be covered by a tarpaulin, metal cover, or equivalent means is authorized for the transportation of spent bleaching earth by motor vehicle. The material is also be subject to operational controls which include not exceeding a temperature of 55C (130F) at the time it is offered or during transportation, not exceeding a transportation time of 24 hours, and drivers transporting spent bleaching earth must be trained in the properties and hazards of the spent bleaching earth. This training must be documented in training records required by § 172.704(d).

* * * * *

(5) * * *

Code/Special Provisions

* * * * *

N91 The use of a non specification sift-proof, non-bulk, metal can with or without lid, or a non specification sift-proof, non-bulk fiber drum, with or without lid is authorized when transporting coal tar pitch compounds by motor vehicle or rail freight. The fiber drum must to be fabricated with a three ply wall, as a minimum. The coal tar pitch compound must be in a solid mass during transportation.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 8. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.45, 1.53.

■ 9. In § 173.150, paragraph (g) is added to read as follows.

§ 173.150 Exceptions for Class 3 (flammable and combustible liquids).

* * * * *

(g) *Limited quantities of retail products containing ethyl alcohol.* (1) Beverages, food, cosmetics and medicines, medical screening solutions, and concentrates sold as retail products containing ethyl alcohol classed as a flammable liquid or flammable solid containing not more than 70% ethyl alcohol by volume for liquids, by weight for solids are excepted from the HMR provided that:

(i) For non-glass inner packagings:

(A) The volume does not exceed 16 fluid ounces in capacity for liquids; or

(B) For volumes greater than 16 fluid ounces but not exceeding 1 gallon the company name and the words ''Contains Ethyl Alcohol'' are marked on the package;

(C) Solids containing ethyl alcohol may be packaged in non-glass inner packagings not exceeding 1 pounds capacity;

(D) For weight greater than one pound up to 8 pounds the company name and the words ''Contains Ethyl Alcohol'' are marked on the package.

(ii) For glass inner packagings:

(A) The volume does not exceed 8 fluid ounces in capacity; or

(B) For volumes greater than 8 fluid ounces to 16 fluid ounces the company name and the words ''Contains Ethyl Alcohol'' are marked on the package;

(C) Solids containing ethyl alcohol may be packaged in glass inner packagings not exceeding ½ pound;

(D) For weight greater than ½ pound up to 1 pound the company name and the words ''Contains Ethyl Alcohol'' are marked on the package.

(iii) The net liquid contents of all inner packagings in any single outer packaging may not exceed 192 fluid ounces. The net solid contents of all inner packagings in any single outer packaging may not exceed 32 pounds. The gross weight of any single outer package shipped may not exceed 65 pounds; Inner packagings must secured and cushioned within the outer package to prevent breakage, leakage, and movement.

(2) Beverages, food, cosmetics and medicines, medical screening solutions, and concentrates sold as retail products containing ethyl alcohol classed as a flammable liquid or flammable solid containing more than 70% ethyl alcohol by volume, by weight for solids are excepted from the HMR provided that:

(i) For inner packagings containing liquids the volume does not exceed 8 fluid ounces in capacity;

(ii) Solids containing ethyl alcohol are not packed in inner packagings exceeding ½ pound in weight;

(iii) The net liquid contents of all inner packagings in any single outer packaging may not exceed 192 fluid ounces. The net solid contents of all inner packagings in any single outer packaging may not exceed 32 pounds. The gross weight of any single outer package shipped may not exceed 65 pounds. Inner packagings must be secured and cushioned within the outer package to prevent breakage, leakage, and movement.

(3) For transportation by passenger or cargo aircraft, no outer package may be transported which contains an inner packaging exceeding:

(i) 16 fluid ounces of flammable liquid, or

(ii) 1 pound of solids containing flammable liquid.

PART 175—CARRIAGE BY AIRCRAFT

■ 10. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.45 and 1.53

■ 11. Add § 175.34 to read as follows:

§ 175.34 Exceptions for Cylinders of Compressed Oxygen or Other Oxidizing Gases Transported Within the State of Alaska.

(a) *Exceptions.* When transported in the State of Alaska, cylinders of compressed oxygen or other oxidizing gases aboard aircraft are excepted from all the requirements of §§ 173.302(f)(3) through (5) and 173.304(f)(3) through (5) of this subchapter subject to the following conditions:

(1) Transportation of the cylinders by a ground-based or water-based mode of transportation is unavailable and transportation by aircraft is the only practical means for transporting the cylinders to their destination;

(2) Each cylinder is fully covered with a fire or flame resistant blanket that is secured in place; and

(3) The operator of the aircraft complies with the applicable notification procedures under § 175.33.

(b) *Aircraft restrictions.* This exception only applies to the following types of aircraft:

(1) Cargo-only aircraft transporting the cylinders to a delivery destination that receives cargo-only service at least once a week.

(2) Passenger and cargo-only aircraft transporting the cylinders to a delivery destination that does not receive cargo only service once a week.

PART 178—SPECIFICATIONS FOR PACKAGINGS

■ 12. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.53.

■ 13. In 178.516, paragraph (b)(7) is added to read as follows:

§ 178.516 Standards for fiberboard boxes.

* * * * *

(b) * * *

(7) Authorization to manufacture, mark, and sell UN4G combination packagings with outer fiberboard boxes and with inner fiberboard components that have individual containerboard or paper wall basis weights that vary by not more than plus or minus 5% from the nominal basis weight reported in the initial design qualification test report.

■ 14. In 178.521, paragraph (b)(4) is added to read as follows:

§ 178.521 Standards for paper bags.

* * * * *

(b) * * *

(4) UN5M1 and UN5M2 multi wall paper bags that have paper wall basis weights that vary by not more than plus or minus 5% from the nominal basis weight reported in the initial design qualification test report.

Issued in Washington, DC on March 10, 2014 under authority delegated in 49 CFR 1.97.

Cynthia L. Quarterman,

Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2014–05630 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 120731291–2522–02]

RIN 0648–XD167

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Butterfish Trip Limit Reduction

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

ACTION: Temporary rule; inseason action.

SUMMARY: NMFS announces that the butterfish trip limit for longfin squid/butterfish moratorium permit holders will be reduced to no more than 5,000 lb (2.27 mt), effective 0001 hours, March 18, 2014. Vessels issued a Federal longfin squid/butterfish moratorium permit and using greater than 3-inch (76-mm) mesh may not fish for, catch, possess or land more than 5,000 lb (2.27 mt) of butterfish per trip or calendar day for the remainder of the year (through December 31, 2014). The possession limit remains unchanged at 2,500-lb (1.13 mt) per trip or calendar day for vessels issued a Federal longfin squid/butterfish moratorium permit and fishing with less than 3-inch (76-mm). The incidental possession limit also remains unchanged at 600 lb (0.27 mt). Federally permitted dealers also may not purchase more than 5,000 lb (2.27 mt) of butterfish from federally permitted vessels per trip or per day, through December 31, 2014. This action is necessary to prevent the fishery from exceeding the domestic annual harvest (DAH) of 2,570 mt, and to allow for effective management of this stock.

DATES: Effective 0001 hours, March 18, 2014, through 2400 hours, December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Aja Szumylo, Fishery Policy Analyst, 978–281–9195, Fax 978–281–9135.

SUPPLEMENTARY INFORMATION: Regulations at 50 CFR part 648 govern the butterfish fishery. The regulations require specifications for maximum sustainable yield, initial optimum yield, allowable biological catch, annual catch limit (ACL), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing, and total allowable levels of foreign fishing for the species managed under the Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP). The procedures for setting the annual initial specifications are described in § 648.22. The 2013 MSB specifications set the 2013 butterfish DAH at 2,570 mt (77 FR 3346, January 16, 2013). The regulations at § 648.22(d) state that, if annual specifications for the MSB fisheries are not published in the **Federal Register** prior to the start of the fishing year (January 1), the previous year's annual specifications, will remain in effect. A proposed rule for 2014 MSB specifications and management measures was published on January 10, 2014 (79 FR 1813), and the public comment period for the proposed rule ended on February 10, 2014. A final rule is expected shortly, after which the 2014 specifications will go into effect and supersede the 2013 specifications.

Due to the increase in the butterfish DAH from previous years, the 2013 MSB specifications implemented a 3-phase butterfish management system to allow for maximum utilization of the butterfish resource without exceeding the stock-wide ACL. In phase 1, there is no trip limit for vessels issued longfin squid/butterfish moratorium permits using mesh greater than or equal to 3 inches (76 mm), a 2,500-lb (1.13-mt) trip limit for longfin squid/butterfish moratorium permits using mesh less than 3 inches (76 mm), and a trip limit of 600 lb (0.27 mt) for vessels issued squid/butterfish incidental catch permits. Once butterfish harvest reaches the trip hold reduction threshold to move from phase 1 to phase 2, the trip limit for longfin squid/butterfish moratorium permit holders will be reduced while in phase 2 to 5,000 lb (2.27 mt) for vessels using greater than or equal to 3-inch (7.62 cm) mesh. The limit remains unchanged at 2,500-lb (1.13 mt) per trip or calendar day for vessels issued a Federal longfin squid/butterfish moratorium permits and fishing with less than 3-inch (76-mm); and the incidental limit remains at 600 lb (0.27 mt). When we project butterfish harvest to reach the trip hold reduction thresholds to move from phase 2 to phase 3, the trip limit for all longfin squid/butterfish moratorium permit holders will be reduced while in phase 3 to 500 lb (0.23 mt) to avoid quota overages. For phases 2 and 3, the quota thresholds to reduce the trip limits will vary bimonthly throughout the year.

Section 648.24 requires NMFS to reduce the butterfish trip limits for vessels issued longfin squid/butterfish moratorium permits when butterfish harvest reaches the trip limit reduction threshold to move from phase 1 to phase 2. When butterfish harvest reaches the trip limit reduction threshold to move from phase 1 to phase 2, vessels fishing with a minimum mesh size of 3 inches (76 mm) are prohibited from fishing for, catching, possessing, or landing more than 5,000 lb (2.27 mt) per trip or per day. Trip limits for vessels issued longfin squid/butterfish moratorium permits fishing with mesh less than 3 inches (76 mm) remain at 2,500 lb (1.13 mt) of butterfish per trip, and the incidental trip limit remains at 600 mt (0.27 lb).

NMFS is further required to notify the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils; mail notification of the trip limit reduction to all holders of butterfish permits at least 72 hr before the effective date of the trip limit reduction; provide adequate notice of the trip limit reduction to recreational participants in the fishery; and publish notification of the trip limit reduction in the **Federal Register**.

The Administrator, Greater Atlantic Region, NMFS, based on dealer reports and other available information, has determined that butterfish harvest has reached the phase 2 trip limit reduction of 47 percent. Therefore, effective 0001 hours, March 18, 2014, the directed butterfish fishery is operating under phase 2, and vessels issued Federal longfin squid/butterfish moratorium permits may not fish for, catch, possess or land more than 5,000 lb (2.27 mt) of butterfish per trip or calendar day when fishing with mesh size greater than 3 inches (76 mm). Trip limits for vessels issued longfin squid/butterfish moratorium permits fishing with mesh less than 3 inches (76 mm) will remain at 2,500 lb (1.13 mt) of butterfish per trip and the incidental trip limit will remain at 600 lb (0.27 mt). If or when butterfish harvest is projected to reach the phase 3 trip limit reduction threshold specified for 2013, butterfish trip limits for longfin squid/butterfish moratorium permit holders will be reduced to 500 lb (0.23 mt), regardless of mesh size used, through a subsequent action in the **Federal Register**.

Classification

This action is required by 50 CFR part 648, and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action reduces the butterfish trip limit for vessels issued longfin squid/butterfish moratorium permits, under current regulations. The regulations at § 648.24 require such action to ensure that butterfish vessels do not exceed the 2013 DAH. Data indicating the butterfish fleet will have landed at least 50 percent of the 2013 DAH have only recently become available. If NMFS delays the implementation of this trip limit reduction in order to solicit prior public comment, butterfish harvest may continue to increase without sufficient effort control, thereby undermining the conservation objectives of the FMP. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: March 13, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–05920 Filed 3–13–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 130925836–4174–02]

RIN 0648–XD181

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Hook-and-Line Gear in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

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

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 13, 2014, through 1200 hours, A.l.t., September 1, 2014.

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

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

The A season allowance of the 2014 Pacific cod total allowable catch (TAC) apportioned to catcher vessels using hook-and-line gear in the Western Regulatory Area of the GOA is 156 metric tons (mt), as established by the

final 2014 and 2015 harvest specifications for groundfish of the GOA (79 FR 12890, March 6, 2014).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2014 Pacific cod TAC apportioned to catcher vessels using hook-and-line gear in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 126 mt and is setting aside the remaining 30 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using hook-and-line gear in the Western Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod for catcher vessels using hook-and-line gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 12, 2014.

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

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

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

Dated: March 13, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–05918 Filed 3–13–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 130925836–4174–02]

RIN 0648–XD184

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels greater than or equal to 50 feet (15.2 meters (m)) length overall (LOA) using hook-and-line gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2014 Pacific cod total allowable catch apportioned to catcher vessels greater than or equal to 50 feet (15.2 m) LOA using hook-and-line gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 15, 2014, through 1200 hours, A.l.t., June 10, 2014.

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

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

The A season allowance of the 2014 Pacific cod total allowable catch (TAC) apportioned to catcher vessels greater than or equal to 50 feet (15.2 m) LOA using hook-and-line gear in the Central Regulatory Area of the GOA is 2,189 metric tons (mt), as established by the final 2014 and 2015 harvest specifications for groundfish of the GOA (79 FR 12890, March 6, 2014).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2014 Pacific cod TAC apportioned to catcher vessels greater than or equal to 50 feet (15.2 m) LOA using hook-and-line gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,189 mt and is setting aside the remaining 1,000 mt as bycatch to support other anticipated fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels greater than or equal to 50 feet (15.2 m) LOA using hook-and-line gear in the Central Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod for catcher vessels greater than or equal to 50 feet (15.2 m) LOA using hook-and-line gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 12, 2014.

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

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

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

Dated: March 13, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–05919 Filed 3–13–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 52
Tuesday, March 18, 2014

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 983

[Doc. No. AMS–FV–12–0068; FV13–983–1 PR]

Pistachios Grown in California, Arizona, and New Mexico; Modification of Aflatoxin Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on revisions to the aflatoxin sampling regulations currently prescribed under the California, Arizona, and New Mexico pistachio marketing order (order). The order regulates the handling of pistachios grown in California, Arizona, and New Mexico, and is administered locally by the Administrative Committee for Pistachios (Committee). This action would allow the use of mechanical samplers (auto-samplers) for in-line sampling as a method to obtain samples for aflatoxin analysis. The use of auto-samplers is expected to reduce handler costs by providing a more efficient and cost-effective process.

DATES: Comments must be received by April 17, 2014.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Andrea Ricci, Marketing Specialist, or Martin Engeler, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Andrea.Ricci@ams.usda.gov* or *Martin.Engeler@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Agreement and Order No. 983, both as amended (7 CFR part 983), regulating the handling of pistachios grown in California, Arizona, and New Mexico, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 12866, 13175, and 13563.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule invites comments on revisions to the aflatoxin sampling regulations currently prescribed under the order. This proposal would allow the use of mechanical samplers (auto-samplers) as an additional method to obtain lot samples for aflatoxin analysis. All auto-samplers would need to be approved by and be subject to procedures and requirements established by the USDA Federal-State Inspection Service prior to their use. The proposed rule was unanimously recommended by the Committee at its meeting held on August 19, 2013.

Section 983.50 of the order provides authority for aflatoxin regulations that establish aflatoxin sampling, analysis, and inspection requirements applicable to pistachios to be shipped for human consumption in domestic and export markets. Aflatoxin regulations are currently in effect for pistachios shipped to domestic markets.

Section 983.150 of the order's rules and regulations contains specific requirements regarding sampling and testing of pistachios for aflatoxin. Paragraph (d)(1) of that section provides that a sample shall be drawn from each lot of pistachios and such samples shall meet specific weight requirements according to the size of the lot.

The current method of collecting samples of pistachios to be tested requires hand sampling of static lots by, or under the supervision of, an inspector of the Federal-State Inspection Service (inspector). This process requires handler personnel to stage the lots to be sampled, which requires moving large containers around with a forklift. This process utilizes a considerable amount of time and warehouse space. Inspectors are then required to manually conduct the sampling by drawing samples from the containers, which is very labor intensive. Once the lot sample is collected, the inspector prepares test samples for aflatoxin analysis.

Since the order's promulgation in 2004, the volume of open inshell pistachios processed annually has increased significantly, from 165 million pounds to 354 million pounds

in the 2011–12 production year. This change in volume has significantly increased the amount of warehouse space and handler labor needed to stage lots for sampling. It has also driven up the total labor costs associated with sampling, as the number of lots to be sampled has increased significantly.

If this rule is implemented, handlers would have the option of using mechanized sampling instead of manual sampling. Automatic samplers in handlers' processing facilities would mechanically draw samples of pistachios as they are being processed. This would make the sampling process more efficient by eliminating the extra warehouse space and handler labor needed for staging static lots for sampling. In addition, the labor costs of manual sampling would be eliminated, further reducing handler costs. A discussion of the costs is included in the Initial Regulatory Flexibility section of this document.

Initial Regulatory Flexibility Analysis

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

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

There are approximately 23 handlers of California, Arizona, and New Mexico pistachios subject to regulation under the order and approximately 990 pistachio producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000.

Currently, about 70 percent of handlers ship less than $7,000,000 worth of pistachios on an annual basis and would be considered small businesses under the SBA definition. Data provided by the Committee regarding the size of the 2012 crop indicates that approximately 80 percent of producers delivered less than 375,000 pounds of assessable dry weight of pistachios. Using an estimated price of $2 per pound of pistachios, this would equate to less than $750,000 in receipts; thus, 80 percent of producers would be considered small businesses according to the SBA definition.

This proposal would modify the aflatoxin sampling regulations currently prescribed under § 983.150(d) of the order's rules and regulations. This rule would allow the use of auto-samplers as a method to obtain samples for aflatoxin analysis. Currently, only manual hand-drawn sampling from static lots is permitted. Allowing the use of auto-samplers for in-line sampling would streamline the sampling process for pistachios. It is expected to make the sampling process more efficient by eliminating the time and space needed for staging and inspecting static lots, reducing the amount of labor, and therefore reducing handler costs. Authority for this action is provided in § 983.50 of the order.

The Committee estimates the current method of sampling to range in cost from $135 to $170 per lot. This expense includes the warehouse space and employee labor needed to stage a lot for inspection and the costs of the inspection. The initial expense of purchasing an auto-sampler ranges from as low as $1,000 to as high as $5,000. The cost of collecting samples with the auto-sampler is estimated at about $5 per lot, which is significantly lower than the static lot sampling method, which ranges from $135 to $170 per lot.

The following example is used to illustrate potential savings for a handler that processes 3,000,000 pounds of pistachios per year. Assuming a lot size of 50,000 pounds, this handler would require inspection on 60 lots of pistachios (3,000,000 / 50,000). Under the current manual sampling method, this would result in a total sampling cost of $8,100 (60 × $135). If this handler purchased an automatic sampler for $5,000, the total sampling cost (including equipment) would be $5,300 ($5,000 + $5 cost per lot to pull the samples). Thus, in this example the handler would save $2,800 in the first year of operation. After the first year, the savings would increase because there would be no additional equipment cost. Applying this on an industry-wide basis, the aggregate cost savings could be significant, considering recent shipment levels have exceeded 300,000,000 pounds of pistachios.

Based on these cost estimates and the example provided, use of automatic samplers could provide a significant cost saving to the industry. The potential cost savings for individual handlers would vary, depending on the size and structure of their operation. Each handler would need to evaluate their operation to determine which method of sampling best fits their needs. This proposal would provide an additional option for sampling that does not currently exist for handlers.

The Committee discussed alternatives to this change, including continuing to operate under the current aflatoxin sampling procedures. However, the Committee unanimously agreed that adding the option to use mechanical sampling equipment would provide handlers with a more efficient and cost-effective sampling alternative to the manual sampling process.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0215, Pistachios Grown in California, Arizona, and New Mexico. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would modify aflatoxin sampling regulations currently prescribed under the California, Arizona, and New Mexico pistachio marketing order. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large pistachio handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

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

In addition, the Committee's meeting was widely publicized throughout the pistachio industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the August 19, 2013, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate because the industry would like the modified regulation to be in place prior to the 2014–15 production year, which begins September 1, 2014. This regulation would need to be in effect before the production year to allow handlers to install auto-sampling equipment prior to harvest. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 983

Marketing agreements and orders, Pistachios, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 983 is proposed to be amended as follows:

PART 983—PISTACHIOS GROWN IN CALIFORNIA, ARIZONA, AND NEW MEXICO

■ 1. The authority citation for 7 CFR part 983 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 983.150 is amended by revising paragraph (d)(1) to read as follows:

§ 983.150 Aflatoxin regulations.

* * * * *

(d) * * *

(1) *Samples for testing.* Prior to testing, each handler shall cause a representative sample to be drawn from each lot (''lot samples'') of sufficient weight to comply with Tables 1 and 2 of this section.

(i) At premises with mechanical sampling equipment (auto-samplers) approved by the USDA Federal-State Inspection Service, samples shall be drawn by the handler in a manner acceptable to the Committee and the USDA Federal-State Inspection Service.

(ii) At premises without mechanical sampling equipment, sampling shall be conducted by or under the supervision of an inspector, or as approved under an alternative USDA-recognized inspection program.

* * * * *

Dated: Feb. 28, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–05834 Filed 3–17–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Rural Housing Service

Rural Utilities Service

Farm Service Agency

7 CFR Part 1940

RIN 0570–AA30

Methodology and Formulas for Allocation of Loan and Grant Program Funds

AGENCY: Rural Business-Cooperative Service, Rural Housing Service, Rural Utilities Service, and Farm Service Agency, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Business-Cooperative Service (RBS) is proposing to amend its regulations found in 7 CFR part 1940, subpart L for allocating program funds to its State Offices. RBS is proposing to amend 7 CFR part 1940, subpart L to add three programs—the Rural Energy for America Program, the Value-Added Producer Grant program, and the Intermediary Relending Program. In addition, RBS is proposing revisions to its state allocation formulae for existing programs within 7 CFR part 1940, subpart L to account for changes in data reported by the U.S. Bureau of the Census' decennial Census. RBS is also proposing to make various other changes including: revising the weight percentages associated with each of the allocation criteria; providing flexibility in determining when not to make state allocations for a program; restricting the use of the transition formula and changing the limitations on how much program funds can change when the transition formula is used; adding provisions for making state allocation for other RBS programs, including new ones; and providing consistency, where necessary, in the allocation of RBS program funds to State Offices.

DATES: Written comments must be received on or before May 19, 2014 to be assured of consideration.

ADDRESSES: Submit your comments on this rule by any of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Submit written comments via the U.S. Postal Service to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, STOP 0742, 1400 Independence Avenue SW., Washington, DC 20250–0742.
- *Hand Delivery/Courier:* Submit written comments via Federal Express Mail, or other courier service requiring a street address, to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, 300 7th Street SW., 7th Floor, Washington, DC 20024.

All written comments will be available for public inspection during regular work hours at the 300 7th Street SW., 7th Floor address listed above.

FOR FURTHER INFORMATION CONTACT: Chad Parker, Deputy Admininstrator Business Programs, Rural Business-Cooperative Service, U.S. Department of Agriculture, STOP 3220, 1400 Independence Avenue SW., Washington, DC 20250–3225; email: *chad.parker@wdc.usda.gov*; telephone (202) 720–7558.

SUPPLEMENTARY INFORMATION:

Executive Order 12866, Classification

This rule has been determined to be not significant for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

Programs Affected

The Catalog of Federal Domestic Assistance Program numbers for the programs affected by this action are 10.352, Value-Added Producer Grant Program; 10.767, Intermediary Relending Program; 10.768, Business and Industry Guaranteed Loan Program; 10.769, Rural Business Enterprise Grant Program; 10.773, Rural Business Opportunity Grant Program, 10.868, Rural Energy for America Program.

Executive Order 12372, Intergovernmental Consultation

This action is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials.

Executive Order 12988, Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. The Agency has determined that this rule meets the applicable standards provided in section 3 of the Executive Order.

Additionally, (1) all state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to the rule; and (3) administrative appeal procedures, if any, must be exhausted before litigation against the Department or its agencies may be initiated, in accordance with the regulations of the National Appeals Division of USDA at 7 CFR part 11.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, ''Environmental Program.'' Rural Development has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 et seq., an Environmental Impact Statement is not required.

Unfunded Mandates Reform Act

This rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

Regulatory Flexibility Act

Under section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Agency certifies that this rule will not have a significant economic impact on a substantial number of small entities because the action will not affect a significant number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601). RBS made this determination based on the fact that this action only impacts internal Agency procedures for determining how much of available program funds are allocated to each state. Small entities will not be impacted to a greater extent than large entities.

Executive Order 13132, Federalism

The policies contained in this rule do not have any substantial direct effect on 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. Nor does this proposed rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with states is not required.

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments

This executive order imposes requirements on Rural Development in the development of regulatory policies that have tribal implications or preempt tribal laws. Rural Development has determined that the proposed rule does not have a substantial direct effect on one or more Indian tribe(s) or on either the relationship or the distribution of powers and responsibilities between the Federal Government and Indian tribes. Thus, this proposed rule is not subject to the requirements of Executive Order 13175. If interested, please direct Tribal Consultation inquiries and comments to Rural Development's Native American Coordinator at *aian@wdc.usda.gov* or (720) 544–2911.

Paperwork Reduction Act

There are no reporting and recordkeeping requirements associated with this proposed rule.

E-Government Act Compliance

Rural Development is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies, to provide increased opportunities for citizens to access Government information and services electronically.

Background

RBS proposes to amend its regulations for allocating program funds among its State Offices. This action is necessary to provide a regulatory basis for allocating funds for the Rural Energy for America Program, the Value-Added Producer Grant program, and the Intermediary Relending Program. In addition, because of changes to the reporting of data by the Census Bureau, RBS needs to use an alternative data source for unemployment rates. Other changes are being proposed to:

- Allow RBS to not allocate funds to states if RBS determines that it is in the Federal Government's best financial interests not to make state allocations;
- adjust the application of the transition allocation formula;
- address making state allocations for RBS programs that are not specifically identified in 7 CFR part 1940, subpart L;
- provide consistency among RBS programs; and
- remove unnecessary text.

Discussion of Changes

A. Addition of New Programs

As discussed below, RBS is proposing to add three new programs to 7 CFR part 1940, subpart L. The inclusion of a specific program within 7 CFR part 1940, subpart L does not mean that RBS is bound to make state allocations for that program each fiscal year. The current rule allows, and the proposed rule continues to allow, RBS to not make state allocations for a particular program in any fiscal year when funds allocated to a program are insufficient. Thus, for example, including the Value-Added Producer Grant program does not mean that RBS will allocate program funds to the States each fiscal year.

1. *Rural Energy for America Program (REAP).* RBS is proposing to add a new section to 7 CFR part 1940, subpart L, to address allocating REAP funds for renewable energy system projects and energy efficiency improvement projects to its State Offices. (**Note:** This proposed addition does not apply to renewable energy system feasibility study grants, the energy audit grants, or the renewable energy development assistance grants.) The proposed sections are essentially identical to those currently included for the other RBS programs (i.e., Business and Industry Guaranteed Loans, Rural Business Enterprise Grants, and Rural Business Opportunity Grants). The key consideration for REAP is the criteria to use in the formula for making state allocations.

RBS determined that the first two criteria used for the other RBS programs are also appropriate for REAP. These two criteria are:

- State's percentage of national rural population
- State's percentage of national rural population with incomes below the poverty level

The third criterion currently used is the State's percentage of national nonmetropolitan unemployment. This criterion is appropriate for programs where job creation is a primary goal. Projects funded under REAP, however, are designed primarily to help agricultural producers and rural small businesses lower their energy costs either through the implementation of energy efficiency improvements or the purchase of renewable energy systems. While job creation is important to all of its programs, RBS has determined that a more appropriate criterion for REAP would be associated with energy, especially those areas of the country facing high energy costs.

For the reasons stated above, RBS is proposing to use data published by the Energy Information Administration. These data include estimate of energy production, consumption, prices, and expenditures broken down by energy source and sector. The multi-

dimensional completeness of the data allows users to make comparisons across states, energy sources, sectors, and time. The data include primary energy of coal, natural gas and petroleum, biomass, and retail electricity. The value for these energy sources are reported in dollars per British thermal unit (Btu). The value provides a total energy cost on a state-wide basis.

Lastly, RBS is proposing the following weight factors for these three critiera, which in part reflect the Agency's priority on addressing persistent poverty in rural America:

- 25 percent for rural population;
- 50 percent for poverty; and
- 25 percent for energy costs.

2. *Value-Added Producer Grant (VAPG) Program.* RBS is proposing to add a new section to 7 CFR part 1940, subpart L, to address allocating the VAPG general funds to its State Offices. This allocation of VAPG general funds to State Offices does not include allocation of VAPG set-aside funds to State Offices. The proposed sections are essentially identical to those currently included for the other RBS programs (i.e., Business and Industry Guaranteed Loans, Rural Business Enterprise Grants, and Rural Business Opportunity Grants). The key consideration for VAPG is the criteria to use in the formula for making state allocations.

The focus of VAPG is to provide producers with funds to add value to their products. RBS determined that two of the three criteria used for the other RBS programs are also appropriate for VAPG. These two criteria are:

- State's percentage of national rural population
- State's percentage of national rural population with incomes below the poverty level

The third criterion currently used is the State's percentage of national nonmetrolpolitan unemployment. This criterion is appropriate for programs where job creation is a primary goal. While job creation is important to all of its programs, RBS has determined that a more appropriate criterion for VAPG would be associated with the state's percentage of farms.

For the reasons stated above, RBS is proposing to use data published by the U.S. Department of Agriculture (USDA). The data provides a detailed picture of U.S. farms and ranches and the people who operate them. It is the only source of uniform, comprehensive agriculture data for every state and county in the United States. The USDA data provides the most accurate number of farms within a state.

Lastly, RBS is proposing the following weight factors for these three criteria, which in part reflect the Agency's priority on addressing persistent poverty in rural America:

- 25 percent for rural population;
- 50 percent for poverty; and
- 25 percent for number of farms.

3. *Intermediary Relending Program (IRP).* The goals of the IRP are essentially the same as for the Business and Industry (B&I) Guaranteed Loan program, Rural Business Entreprise Grant (RBEG) program, and Rural Business Opportunity Grant (RBOG) program. Therefore, RBS is proposing to allocate IRP funds to the states using the same criteria and formula used for these three other RBS programs.

B. Data Sources for Weighting Criteria

RBS has implemented the existing formulae using data provided by the U.S. Census Bureau. Beginning with the 2010 decennial Census, income/poverty data and unemployment data are no longer included in the decennial Census. Because of this change, RBS needs to update and clarify the data sources for the current criteria.

1. *State's percentage of national rural population (rural population).* RBS is proposing to clearly identify that the data source for this criterion is the U.S. Bureau of Census' decennial Census, which RBS has been using.

2. *State's percentage of national rural population with incomes below the poverty level (poverty).* After examining several alternative data sources, RBS determined that income data published by the Bureau of the Census in the American Community Survey (ACS), as found in the 5-year survey component of the ACS, provides the best source of data for estimates of state-level income and poverty data, even though such are no longer being published in the decennial Census. RBS is also aware that the ACS may at some point in the future be replaced or discontinued. For these reasons, RBS is proposing to use ''the most recent 5-year survey of the American Community Survey (ACS) or other Census Bureau data if needed'' to indicate the source of the data to be used.

3. *State's percentage of national nonmetropolitan unemployment (unemployment).* RBS also examined several alternative data sources for unemployment data and determined that unemployment data published by the Bureau of Labor Statistics provides the best source of data for estimates of state-level unemployment rates and for unemployment rates in rural or non-metropolitan areas. Therefore, RBS is proposing to use the ''most recent Bureau of Labor Statistics data'' as the data source for unemployment.

C. Criteria weight factors

Currently, the criteria used to make state allocations are assigned the following weight factors to the three ''traditional'' criteria of rural population, rural poverty, and rural unemployemt:

- 50 percent for rural population;
- 25 percent for poverty; and
- 25 percent for unemployment.

While these weight factors have well served the Agency's priorities in the past, RBS is proposing to revise the basic weight factors for the ''traditional'' three criteria to reflect a greater emphasis of the Agency's priority to address persistent poverty in rural America. Specifically, RBS is proposing the following new weight factors:

- 25 percent for rural population;
- 50 percent for poverty; and
- 25 percent for unemployment.

The proposed changes would reduce the rural population weight factor from 50 to 25 percent and increase the poverty weight factor from 25 to 50 percent. The Agency is not proposing any change to the unemployment weight factor.

As noted earlier, RBS is proposing this same distribution of weight factors for the REAP and VAPG programs, with 50 percent factor for poverty and 25 percent factors for the other two weighting criteria for those two programs.

D. Not Making State Allocations

The current regulations allow RBS to not allocate a program's funding to the states when funding in a particular fiscal year is insufficient. RBS is proposing to add a second condition such that RBS may elect not to allocate a program's funds to States in a particular fiscal year if RBS determines that it is in the Federal Government's best financial interests not to make state allocations. RBS is proposing this new condition to provide administrative flexibility and to account for time and availability of RBS resources.

E.Transition Formula

The purpose of the transition formula is to reduce the impact of a large change to any one state's allocation when new decennial Census data are used. Under the proposed rule, except for rural population (which would still be changed every 10 years based on the decennial Census), the state allocation formulae would be rerun every year reflecting new yearly data for the other two criteria. As a result, RBS does not expect a large change to any one state's

allocation as a result of applying the formulae each year. Therefore, RBS is proposing that the transition formula would not be used except in instances when RBS revises the weight factors for a program's criteria. RBS notes that, under the current regulation found in the Code of Federal Regulations, the transition formula only applies to the RBEG program; it does not apply to the B&I Guaranteed Loan program and the RBOG program.

RBS is also proposing revising the amount by which a state's funding can change when the transition formula is applied. Currently, the regulation limits the amount a state's funding can change to either plus or minus 15 percent over the previous year's allocation amount. RBS is proposing to make two changes to when the transition formula is applied.

1. RBS is proposing to eliminate the restriction on how much a state's allocation can increase over the previous year's allocation. Currently, when the allocation formula is applied, a state's allocation cannot increase more than 15 percent over its previous year's allocation for that program. RBS has decided that, if a state's condition has changed significantly enough as to warrant an increase in allocation, then there should be no limit on how much of an increase that state can receive.

2. RBS is proposing to keep a restriction on how much a state's allocation can decrease from one year to the next, but to limit the decrease to 10 percent. This allows a ''softer'' landing for those states receiving a reduction in allocation.

F. Other Existing RBS Programs and Newly Authorized Programs

As proposed, the revised 7 CFR part 1490, subpart L addresses six RBS programs for which RBS intends to make state allocations of each programs' funds. There are other existing RBS programs that are administered at the National Office level, but for which RBS does not intend, at this time, to make state allocations. However, it is possible that RBS may decide in the future to make state allocations for an existing program not currently included in 7 CFR 1940, subpart L. In addition, as new legislation is passed, RBS may be required to develop new programs, as occurred with the passage of the 2008 Farm Bill. For such newly authorized programs, RBS may determine that allocating the program's funds to the states is appropriate.

RBS is proposing to add a new section to address these situations. As proposed, RBS will first determine whether or not one of the three formulae in proposed § 1940.588, § 1940.589, or § 1940.590 is appropriate for the program.

1. If RBS determines that one of the three formulae in these section matches, or closely matches, the purposes of the ''new'' program, RBS will publish a **Federal Register** notice informing the public as to which formula RBS will use for making state allocations for the program.

2. If RBS determines that none of the three state allocation procedures is appropriate for the ''new'' program, RBS will identify and publish a preliminary allocation formula via the **Federal Register**. RBS will then use that preliminary formula to begin making immediate state allocation. RBS will then identify a new allocation formula and associated administrative requirements for incorporation into 7 CFR 1940, subpart L via a proposed rule published in the **Federal Register** for public comment. Until the new allocation formula is finalized, the Agency will continue to use the preliminary allocation formula.

G. Miscellaneous

RBS is also proposing to make the changes to consolidate similar programs, create consistency between the programs, and remove text that is administrative in nature.

1. *Consolidation.* RBS is proposing to consolidate the B&I Guaranteed Loan program, the RBEG program, and the RBOG program into one section, because they use the same criteria for making state allocations. The IRP will also be included in this same section.

2. *Base allocations.* RBS is proposing to include the following in the provisions for base allocations: ''Jurisdictions receiving administrative allocations do not receive base allocations.'' The current provisions for RBEG and RBOG do not contain this text, but it is applicable to both programs.

3. *Administrative allocations.* RBS is proposing to include the following in the provisions for administrative allocations: ''Jurisdictions receiving formula allocations do not receive administrative allocations.'' The current provisions for RBEG do not contain this text, but it is applicable to the program. In addition, the administrative allocations provisions would now apply to the RBOG program.

4. *Reserve.* RBS is proposing to remove the following text from the provisions that affect the B&I Guaranteed Loan program because it is unnecessary for and unrelated to the implementation of the allocation: ''States may request reserve funds from the B&I reserve when all of the state allocation has been obligated or will be obligated to the project for which the request is made.''

5. *Pooling of funds.* RBS is proposing to revise these provisions to point to the general provisions for pooling and removing all other text, which was not necessary. The changes are not substantive.

6. *Availability of the allocation.* RBS is proposing to remove the following text from the B&I Guaranteed Loan program provisions because it is unnecessary for and unrelated to the implementation of the allocation: ''There is a 6-day waiting period from the time project funds are reserved to the time they are obligated.''

RBS is proposing to remove the following text from the RBEG program provisions because it is only explanatory in nature and is unnecessary in determining how allocations are made: ''The allocation of funds is made available for States to obligate on an annual basis although the Office of Management and Budget apportions funds to the Agency on a quarterly basis.''

List of Subjects in 7 CFR Part 1940

Administrative practice and procedure, Agriculture, Allocations, Grant programs—Housing and community development, Loan programs—Agriculture, Rural areas.

For the reasons set forth in the preamble, we propose to amend chapter XVIII, title 7, of the Code of Federal Regulations as follows:

CHAPTER XVIII—RURAL HOUSING, RURAL BUSINESS-COOPERATIVE SERVICE, RURAL UTILITIES SERVICE, AND FARM SERVICE AGENCY, DEPARTMENT OF AGRICULTURE

PART 1940—GENERAL

■ 1. The authority citation for part 1940 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480.

Subpart L—Methodology and Formulas for Allocation of Loan and Grant Program Funds

■ 2. The Table of Contents is amended to read as follows:

Sec.

* * * * *

1940.588 Business and Industry Guaranteed and Direct Loans, Rural Business Enterprise Grants, Rural Business Opportunity Grants, and Intermediary Relending Program.

1940.589 Rural Energy for America Program.

1940.590 Value-Added Producer Grant Program.
1940.593 Other Rural Business-Cooperative Service Programs.

* * * * *

■ 3. Section 1940.588 is revised to read as follows:

§ 1940.588 Business and Industry Guaranteed and Direct Loans, Rural Business Enterprise Grants, Rural Business Opportunity Grants, and Intermediary Relending Program.

The Agency will allocate funds to the States each Federal fiscal year for the programs identified in this section using the procedures specified in paragraph (a) of this section. If the Agency determines that it will not allocate funds to the States for a program identified in this section in a particular Federal fiscal year, the Agency will announce this decision in a notice published in the **Federal Register**. The conditions under which the Agency will not allocate a program's funds to the States are identified in paragraph (b) of this section.

(a) *Procedures for allocating funds to the States.* Each Federal fiscal year, the Agency will use the amount available to the program and the procedures identified in paragraphs (a)(2) through (a)(10) of this section to determine the amount of program funds to allocate to each of the States. The Agency will make the allocation calculation each Federal fiscal year.

(1) *Amount available for allocations.* See § 1940.552(a) of this subpart.

(2) *Basic formula criteria, data source and weight.* See § 1940.552(b) of this subpart.

(i) The criteria used in the basic formula are:

(A) State's percentage of national rural population.

(B) State's percentage of national rural population with incomes below the poverty level.

(C) State's percentage of national nonmetropolitan unemployment.

(ii) The data sources for each of the criteria identified in paragraph (a) of this section are:

(A) For the criterion specified in paragraph (a)(2)(i)(A), the most recent decennial Census data.

(B) For the criterion specified in paragraph (a)(2)(i)(B), the most recent 5-year survey of the American Community Survey (ACS) or other Census Bureau data if needed.

(C) For the criterion specified in paragraph (a)(2)(i)(C), the most recent Bureau of Labor Statistics data.

(iii) Each criterion is assigned a specific weight factor according to its relevance in determining need. The percentage representing each criterion is multiplied by the weight factor and summed to arrive at State Factor (SF). The SF cannot exceed 0.05. The Agency may elect to use different weight factors than those identified in this paragraph by publishing a timely notice in the **Federal Register.**

SF = (criterion (a)(2)(i)(A) × 25 percent)
+ (criterion (a)(2)(i)(B) × 50 percent)
+ (criterion (a)(2)(i)(C) × 25 percent)

(iv) The Agency will recalculate, as necessary, each criterion specified in paragraph (a)(2)(i) of this section each year. In making these recalculations, the Agency will use the most recent data available to the Agency as of October 1 of the fiscal year for which the Agency is making state allocations. Each criterion's value determined at the beginning of a fiscal year for a program will be used for that entire fiscal year, regardless of when that fiscal year's funding becomes available for the program.

(3) *Basic formula allocation.* See § 1940.552(c) of this subpart.

(4) *Transition formula.* The transition provisions specified in § 1940.552(d) of this subpart apply to the programs identified in this section except as follows:

(i) The transition formula will be used only when the weight factors identified in paragraph (a)(2)(iii) of this section are modified; and

(ii) When the transition formula is used, there will be no upper limitation on the amount that a State's allocation can increase over its previous year's allocation and the maximum percentage that funding will be allowed to decrease for a State will be 10 percent from its previous year's allocation.

(5) *Base allocations.* See § 1940.552(e) of this subpart. Jurisdictions receiving administrative allocations do not receive base allocations.

(6) *Administrative allocations.* See § 1940.552(f) of this subpart. Jurisdictions receiving formula allocations do not receive initial administrative allocations.

(7) *Reserve.* See § 1940.552(g) of this subpart.

(8) *Pooling of funds.* See § 1940.552(h) of this subpart.

(9) *Availability of allocation.* See § 1940.552(i) of this subpart.

(10) *Suballocation by the State Director.* Suballocation by the State Director is authorized for each program covered by this section.

(b) *Conditions for not allocating program funds to the States.* The Agency may elect to not allocate program funds to the States whenever one of the conditions identified in paragraphs (b)(1) or (b)(2) of this section occurs.

(1) Funds allocated in a fiscal year to a program identified in this section are insufficient, as provided for in § 1940.552(a) of this subpart.

(2) The Agency determines that it is in the best financial interest of the Federal Government not to make a State allocation for any program identified in this section and that the exercise of this determination is not in conflict with applicable law.

■ 4. Section 1940.589 is revised to read as follows:

§ 1940.589 Rural Energy for America Program.

The Agency will allocate funds to the States each Federal fiscal year for renewable energy system and energy efficiency improvement projects under the Rural Energy for America Program (REAP) using the procedures specified in paragraph (a) of this section. If the Agency determines that it will not allocate funds to the States for REAP in a particular Federal fiscal year, the Agency will announce this decision in a notice published in the **Federal Register**. The conditions under which the Agency will not allocate the program's funds to the States are identified in paragraph (b) of this section.

(a) *Procedures for allocating funds to the States.* Each Federal fiscal year, the Agency will use the amount available to the program and the procedures identified in paragraphs (a)(2) through (a)(10) of this section to determine the amount of program funds to allocate to each of the States. The Agency will make this calculation each Federal fiscal year.

(1) *Amount available for allocations.* See § 1940.552(a) of this subpart.

(2) *Basic formula criteria, data source, and weight.* See § 1940.552(b) of this subpart.

(i) The criteria used in the basic formula are:

(A) State's percentage of national rural population.

(B) State's percentage of national rural population with incomes below the poverty level.

(C) State's percentage of energy cost.

(ii) The data sources for each of the criteria identified in paragraph (a)(2)(i) of this section are:

(A) For the criterion specified in paragraph (a)(2)(i)(A), the most recent decennial Census data.

(B) For the criterion specified in paragraph (a)(2)(i)(B), the most recent 5-year survey of the American Community Survey (ACS) or other Census Bureau data if needed.

(C) For the criterion specified in paragraph (a)(2)(i)(C), the most recent U.S. Energy Information Administration data.

(iii) Each criterion is assigned a specific weight factor according to its relevance in determining need. The percentage representing each criterion is multiplied by the weight factor and summed to arrive at State Factor (SF). The SF cannot exceed 0.05. The Agency may elect to use different weight factors than those identified in this paragraph by publishing a timely notice in the **Federal Register**.

SF = (criterion (a)(2)(i)(A) × 25 percent)
+ (criterion (a)(2)(i)(B) × 50 percent)
+ (criterion (a)(2)(i)(C) × 25 percent)

(iv) The Agency will recalculate, as necessary, each criterion specified in paragraph (a)(2)(i) of this section each year. In making these recalculations, the Agency will use the most recent data available to the Agency as of October 1 of the fiscal year for which the Agency is making state allocations. Each criterion's value determined at the beginning of a fiscal year for a program will be used for that entire fiscal year, regardless of when that fiscal year's funding becomes available for the program.

(3) *Basic formula allocation.* See § 1940.552(c) of this subpart.

(4) *Transition formula.* The transition provisions specified in § 1940.552(d) of this subpart apply to the program(s) identified in this section except as follows:

(i) The transition formula will be used only when the weight factors identified in paragraph (a)(2)(iii) of this section are modified; and

(ii) When the transition formula is used, there will be no upper limitation on the amount that a State's allocation can increase over its previous year's allocation and the maximum percentage that funding will be allowed to decrease for a State will be 10 percent from its previous year's allocation.

(5) *Base allocations.* See § 1940.552(e) of this subpart. Jurisdictions receiving administrative allocations do not receive base allocations.

(6) *Administrative allocations.* See § 1940.552(f) of this subpart. Jurisdictions receiving formula allocations do not receive initial administrative allocations.

(7) *Reserve.* See § 1940.552(g) of this subpart.

(8) *Pooling of funds.* See § 1940.552(h) of this subpart.

(9) *Availability of the allocation.* See § 1940.552(i) of this subpart.

(10) *Suballocation by the State Director.* Suballocation by the State Director is authorized for this program.

(b) *Conditions for not allocating program funds to the States.* The Agency may elect to not allocate REAP program funds to the States whenever one of the conditions identified in paragraphs (b)(1) or (b)(2) of this section occurs.

(1) Funds allocated in a fiscal year to REAP are insufficient, as provided for in § 1940.552(a) of this subpart.

(2) The Agency determines that it is in the best financial interest of the Federal Government not to make a State allocation for REAP and that the exercise of this determination is not in conflict with applicable law.

■ 5. Section 1940.590 is added to read as follows:

§ 1940.590 Value-Added Producer Grant Program.

The Agency will allocate the general funds to the States each Federal fiscal year for the Value-Added Producer Grant (VAPG) program using the procedures specified in paragraph (a) of this section. If the Agency determines that it will not allocate funds to the States for the VAPG program in a particular Federal fiscal year, the Agency will announce this decision in a notice published in the **Federal Register**. The conditions under which the Agency will not allocate the program's funds to the States are identified in paragraph (b) of this section.

(a) *Procedures for allocating funds to the States.* Each Federal fiscal year, the Agency will use the amount available to the program and the procedures identified in paragraphs (a)(2) through (a)(10) of this section to determine the amount of program funds to allocate to each of the States. The Agency will make this calculation each Federal fiscal year.

(1) *Amount available for allocations.* See § 1940.552(a) of this subpart.

(2) *Basic formula criteria, data source, and weight.* See § 1940.552(b) of this subpart.

(i) The criteria used in the basic formula are:

(A) State's percentage of national rural population.

(B) State's percentage of national rural population with incomes below the poverty level.

(C) State's percentage of total farms.

(ii) The data sources for each of the criteria identified in paragraph (a)(2)(i) of this section are:

(A) For the criterion specified in paragraph (a)(2)(i)(A), the most recent decennial Census data.

(B) For the criterion specified in paragraph (a)(2)(i)(B), the most recent 5-year survey of the American Community Survey (ACS) or other Census Bureau data if needed.

(C) For the criterion specified in paragraph (a)(2)(i)(C), the most recent U.S. Department of Agriculture data.

(iii) Each criterion is assigned a specific weight factor according to its relevance in determining need. The percentage representing each criterion is multiplied by the weight factor and summed to arrive at State Factor (SF). The SF cannot exceed 0.05. The Agency may elect to use different weight factors than those identified in this paragraph by publishing a timely notice in the **Federal Register**.

SF = (criterion (a)(2)(i)(A) × 25 percent)
+ (criterion (a)(2)(i)(B) × 50 percent)
+ (criterion (a)(2)(i)(C) × 25 percent)

(iv) The Agency will recalculate, as necessary, each criterion specified in paragraph (a)(2)(i) of this section each year. In making these recalculations, the Agency will use the most recent data available to the Agency as of October 1 of the fiscal year for which the Agency is making state allocations. Each criterion's value determined at the beginning of a fiscal year for a program will be used for that entire fiscal year, regardless of when that fiscal year's funding becomes available for the program.

(3) *Basic formula allocation.* See § 1940.552(c) of this subpart.

(4) *Transition formula.* The transition provisions specified in § 1940.552(d) of this subpart apply to the program(s) identified in this section except as follows:

(i) The transition formula will be used only when the weight factors identified in paragraph (a)(2)(iii) of this section are modified; and

(ii) When the transition formula is used, there will be no upper limitation on the amount that a State's allocation can increase over its previous year's allocation and the maximum percentage that funding will be allowed to decrease for a State will be 10 percent from its previous year's allocation.

(5) *Base allocations.* See § 1940.552(e) of this subpart. Jurisdictions receiving administrative allocations do not receive base allocations.

(6) *Administrative allocations.* See § 1940.552(f) of this subpart. Jurisdictions receiving formula allocations do not receive initial administrative allocations.

(7) *Reserve.* See § 1940.552(g) of this subpart.

(8) *Pooling of funds.* See § 1940.552(h) of this subpart.

(9) *Availability of the allocation.* See § 1940.552(i) of this subpart.

(10) *Suballocation by the State Director.* Suballocation by the State Director is authorized for this program.

(b) *Conditions for not allocating program funds to the States.* The Agency may elect to not allocate VAPG program funds to the States whenever one of the conditions identified in paragraphs (b)(1) or (b)(2) of this section occurs.

(1) Funds allocated in a fiscal year to VAPG are insufficient, as provided for in § 1940.552(a) of this subpart.

(2) The Agency determines that it is in the best financial interest of the Federal Government not to make a State allocation for VAPG and that the exercise of this determination is not in conflict with applicable law.

■ 6. Section 1940.593 is revised to read as follows:

§ 1940.593 Other Rural Business-Cooperative Service Programs.

If the Agency determines that it is in the best interest of the Federal government to allocate funds to States for existing RBS programs other than those identified in §§ 1940.588 through 1940.590 of this subpart and for programs new to RBS (e.g., through new legislation), the Agency will use the process identified in paragraph (a) or (b) of this section.

(a) If the Agency determines that one of the State allocation procedures in § 1940.588, § 1940.589, or § 1940.590 is appropriate for the program, the Agency will publish a **Federal Register** notice identifying the program and which State allocation procedure will be used for the program.

(b) If the Agency determines that none of the procedures specified in § 1940.588, § 1940.589, or § 1940.590 is appropriate for the program, the Agency will implement the following steps:

(1) The Agency will either develop a preliminary state allocation formula and administrative procedures specific to the requirements of the new program or use whichever of the three procedures in § 1940.588, § 1940.589, or § 1940.590 the Agency determines most closely matches the purpose of the program. The Agency will publish in the **Federal Register** the state allocation formula and adminstrative procedures that it will use initially for the new program.

(2) The Agency will develop a state allocation formula and administrative provisions specific to the new program and publish them as a proposed rule change to this part in the **Federal Register** for public comment.

(3) Until the program's state allocation formula and administrative requirements are finalized, the Agency will use the preliminary state allocation formula established under paragraph (b)(1) of this section to make state allocations and administer the new program.

Dated: March 4, 2014.

Doug O'Brien,

Deputy Under Secretary, Rural Development.

Dated: February 27, 2014.

Michael Scuse,

Under Secretary, Farm and Foreign Agricultural Services.

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DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2011–BT–NOA–0013]

Energy Conservation Program: Data Collection and Comparison With Forecasted Unit Sales of Five Lamp Types

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

ACTION: Notice of data availability.

SUMMARY: The U.S. Department of Energy (DOE) is informing the public of its collection of shipment data and creation of spreadsheet models to provide comparisons between actual and benchmark estimate unit sales of five lamp types (*i.e.,* rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps) that are currently exempt from energy conservation standards. As the actual sales do not exceed the forecasted estimate by 100 percent for any lamp type (*i.e.,* the threshold triggering a rulemaking for an energy conservation standard for that lamp type has not been exceeded), DOE has determined that no regulatory action is necessary at this time. However, DOE will continue to track sales data for these exempted lamps. Relating to this activity, DOE has prepared, and is making available on its Web site, a spreadsheet showing the comparisons of anticipated versus actual sales, as well as the model used to generate the original sales estimates. The spreadsheet is available online: *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/63*.

DATES: As of March 18, 2014, the DOE has determined that no regulatory action is necessary at this time.

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: *five_lamp_types@ee.doe.gov*.

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I. Background

The Energy Independence and Security Act of 2007 (EISA 2007; Pub. L. 110–140) was enacted on December 19, 2007. Among the requirements of subtitle B (Lighting Energy Efficiency) of title III of EISA 2007 were provisions directing DOE to collect, analyze, and monitor unit sales of five lamp types (*i.e.,* rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps). In relevant part, section 321(a)(3)(B) of EISA 2007 amended section 325(l) of the Energy Policy and Conservation Act of 1975 (EPCA) by adding paragraph (4)(B), which generally directs DOE, in consultation with the National Electrical Manufacturers Association (NEMA), to: (1) collect unit sales data for each of the five lamp types for calendar years 1990 through 2006 in order to determine the historical growth rate for each lamp type; and (2) construct a model for each of the five lamp types based on coincident economic indicators that closely match the historical annual growth rates of each lamp type to provide a neutral comparison benchmark estimate of future unit sales. (42 U.S.C. 6295(l)(4)(B)) Section 321(a)(3)(B) of EISA 2007 also amends section 325(l) of EPCA by adding paragraph (4)(C), which, in relevant

part, directs DOE to collect unit sales data for calendar years 2010 through 2025, in consultation with NEMA, for each of the five lamp types. DOE must then compare the actual lamp sales in that year with the benchmark estimate, determine if the unit sales projection has been exceeded, and issue the findings within 90 days after the end of the analyzed calendar year. (42 U.S.C. 6295(l)(4)(C))

On December 18, 2008, DOE issued a notice of data availability (NODA) for the *Report on Data Collection and Estimated Future Unit Sales of Five Lamp Types* (hereafter the ''2008 analysis''), which was published in the **Federal Register** on December 24, 2008. 73 FR 79072. The 2008 analysis presented the 1990 through 2006 shipment data collected in consultation with NEMA, the spreadsheet model DOE constructed for each lamp type, and the benchmark unit sales estimates for 2010 through 2025. On April 4, 2011, DOE published a NODA in the **Federal Register** (hereafter the ''2010 comparison'') announcing the availability of updated spreadsheet models presenting the benchmark estimates from the 2008 analysis and the collected sales data from 2010 for the first annual comparison. 76 FR 18425. Similarly, DOE published NODAs in the **Federal Register** on March 20, 2012 and March 13, 2013, announcing the updated spreadsheet models and sales data related to the respective subsequent annual comparisons. 77 FR 16183; 78 FR 15891. Today's NODA presents the fourth annual comparison; specifically, section IV of this report compares the actual unit sales against benchmark unit sales estimates for 2013.[1]

EISA 2007 also amends section 325(l) of EPCA by adding paragraphs (4)(D) through (4)(H) which state that if DOE finds that the unit sales for a given lamp type in any year between 2010 and 2025 exceed the benchmark estimate of unit sales by at least 100 percent (*i.e.,* more than double the anticipated sales), then DOE must take regulatory action to establish an energy conservation standard for such lamps. (42 U.S.C. 6295(l)(4)(D)–(H)) For 2,601–3,300 lumen general service incandescent lamps, DOE must adopt a statutorily prescribed energy conservation standard, and for the other four types of lamps, the statute requires DOE to initiate an accelerated rulemaking to establish energy conservation standards. If the Secretary does not complete the accelerated rulemakings within one year of the end of the previous calendar year, there is a ''backstop requirement'' for each lamp type, which would establish energy conservation standard levels and related requirements by statute. *Id.*

As in the 2008 analysis and previous comparisons, DOE uses manufacturer shipments as a surrogate for unit sales in this NODA because manufacturer shipment data are tracked and aggregated by the trade organization, NEMA. DOE believes that annual shipments track closely with actual unit sales of these five lamp types, as DOE presumes that retailer inventories remain constant from year to year. DOE believes this is a reasonable assumption because the markets for these five lamp types have existed for many years, thereby enabling manufacturers and retailers to establish appropriate inventory levels that reflect market demand. Furthermore, in the long run, unit sales could not increase in any one year without manufacturer shipments increasing either that year or the following one. In either case, increasing unit sales must eventually result in increasing manufacturer shipments. This is the same methodology presented in DOE's 2008 analysis and subsequent annual comparisons, and the Department did not receive any comments challenging this assumption or the general approach.

II. Definitions

A. Rough Service Lamps

Section 321(a)(1)(B) of EISA 2007 amended section 321(30) of EPCA by adding the definition of a ''rough service lamp.'' The statutory definition reads as follows: ''The term 'rough service lamp' means a lamp that—(i) has a minimum of 5 supports with filament configurations that are C–7A, C–11, C–17, and C–22 as listed in Figure 6–12 of the 9th edition of the IESNA [Illuminating Engineering Society of North America] Lighting handbook, or similar configurations where lead wires are not counted as supports; and (ii) is designated and marketed specifically for 'rough service' applications, with—(I) the designation appearing on the lamp packaging; and (II) marketing materials that identify the lamp as being for rough service.'' (42 U.S.C. 6291(30)(X))

As noted above, rough service incandescent lamps must have a minimum of five filament support wires (not counting the two connecting leads at the beginning and end of the filament), and must be designated and marketed for ''rough service'' applications. This type of incandescent lamp is typically used in applications where the lamp would be subject to mechanical shock or vibration while it is operating. Standard incandescent lamps have only two support wires (which also serve as conductors), one at each end of the filament coil. When operating (*i.e.,* when the tungsten filament is glowing so hot that it emits light), a standard incandescent lamp's filament is brittle, and rough service applications could cause it to break prematurely. To address this problem, lamp manufacturers developed lamp designs that incorporate additional support wires along the length of the filament to ensure that it has support not just at each end, but at several other points as well. The additional support protects the filament during operation and enables longer operating life for incandescent lamps in rough service applications. Typical applications for these rough service lamps might include commercial hallways and stairwells, gyms, storage areas, and security areas.

B. Vibration Service Lamps

Section 321(a)(1)(B) of EISA 2007 amended section 321(30) of EPCA by adding the definition of a ''vibration service lamp.'' The statutory definition reads as follows: ''The term 'vibration service lamp' means a lamp that—(i) has filament configurations that are C–5, C–7A, or C–9, as listed in Figure 6–12 of the 9th Edition of the IESNA Lighting Handbook or similar configurations; (ii) has a maximum wattage of 60 watts; (iii) is sold at retail in packages of 2 lamps or less; and (iv) is designated and marketed specifically for vibration service or vibration-resistant applications, with—(I) the designation appearing on the lamp packaging; and (II) marketing materials that identify the lamp as being vibration service only.'' (42 U.S.C. 6291(30)(AA))

The statute mentions three examples of filament configurations for vibration service lamps in Figure 6–12 of the *IESNA Lighting Handbook,* one of which (*i.e.,* C–7A) is also listed in the statutory definition of ''rough service lamp.'' The definition of ''vibration service lamp'' requires that such lamps have a maximum wattage of 60 watts and be sold at a retail level in packages of two lamps or fewer. Similar to rough service lamps, vibration service lamps must be designated and marketed for vibration service or vibration-resistant applications. As the name suggests, this type of incandescent lamp is generally used in applications where the incandescent lamp would be subject to a continuous low level of vibration, such as in a ceiling fan light kit. In such applications, standard incandescent

[1] The notices and related documents for the 2008 analysis and successive annual comparisons, including this NODA, are available through the DOE Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/63.*

lamps without additional filament support wires may not achieve the full rated life, because the filament wire is brittle and would be subject to breakage at typical operating temperature. To address this problem, lamp manufacturers typically use a more malleable tungsten filament to avoid damage and short circuits between coils.

C. Three-Way Incandescent Lamps

Section 321(a)(1)(B) of EISA 2007 amended section 321(30) of EPCA by adding the definition of a ''3-way incandescent lamp.'' The statutory definition reads as follows: ''The term '3-way incandescent lamp' includes an incandescent lamp that—(i) employs 2 filaments, operated separately and in combination, to provide 3 light levels; and (ii) is designated on the lamp packaging and marketing materials as being a 3-way incandescent lamp.'' (42 U.S.C. 6291(30)(Y))

Three-way lamps are commonly found in wattage combinations such as 50, 100, and 150 watts or 30, 70, and 100 watts. These lamps use two filaments (*e.g.,* a 30-watt and a 70-watt filament) and can be operated separately or together to produce three different lumen outputs (*e.g.,* 305 lumens with one filament, 995 lumens with the other, or 1,300 lumens using the filaments together). When used in three-way sockets, these lamps allow users to control the light level. Three-way incandescent lamps are typically used in residential multi-purpose areas, where consumers may adjust the light level to be appropriate for the task they are performing.

D. 2,601–3,300 Lumen General Service Incandescent Lamps

The statute does not provide a definition of ''2,601–3,300 Lumen General Service Incandescent Lamps''; however, DOE is interpreting this term to be a general service incandescent lamp [2] that emits light between 2,601 and 3,300 lumens. Lamps on the market that emit light within this lumen range are immediately recognizable because, as required by the Energy Policy Act of 1992, Public Law 102–486, all general service incandescent lamps must be labeled with lamp lumen output.[3] These lamps are used in general service applications when high light output is needed.

E. Shatter-Resistant Lamps

Section 321(a)(1)(B) of EISA 2007 amended section 321(30) of EPCA by adding the definition of a ''shatter-resistant lamp, shatter-proof lamp, or shatter-protected lamp.'' The statutory definition reads as follows: ''The terms 'shatter-resistant lamp,' 'shatter-proof lamp,' and 'shatter-protected lamp' mean a lamp that—(i) has a coating or equivalent technology that is compliant with [National Sanitation Foundation/American National Standards Institute] NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken; and (ii) is designated and marketed for the intended application, with—(I) the designation on the lamp packaging; and (II) marketing materials that identify the lamp as being shatter-resistant, shatter-proof, or shatter-protected.'' (42 U.S.C. 6291(30)(Z)) Although the definition provides three names commonly used to refer to these lamps, DOE simply refers to them collectively as ''shatter-resistant lamps.''

Shatter-resistant lamps incorporate a special coating designed to prevent glass shards from being dispersed if a lamp's glass envelope breaks. Shatter-resistant lamps incorporate a coating compliant with industry standard NSF/ANSI 51,[4] ''Food Equipment Materials,'' and are labeled and marketed as shatter-resistant, shatter-proof, or shatter-protected. Some types of the coatings can also protect the lamp from breakage in applications subject to heat and thermal shock that may occur from water, sleet, snow, soldering, or welding.

III. Comparison Methodology

In the 2008 analysis, DOE reviewed each of the five sets of shipment data that were collected in consultation with NEMA and applied two curve fits to generate unit sales estimates for the five lamp types after calendar year 2006. One curve fit applied a linear regression to the historical data and extended that line into the future. The other curve fit applied an exponential growth function to the shipment data and projected unit sales into the future. For this calculation, linear regression treats the year as a dependent variable and shipments as the independent variable. The linear regression curve fit is modeled by minimizing the differences among the data points and the best curve-fit linear line using the least squares function.[5] The exponential curve fit is also a regression function and uses the same least squares function to find the best fit. For some data sets, an exponential curve provides a better characterization of the historical data, and, therefore, a better projection of the future data.

For 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps, DOE found that the linear regression and exponential growth curve fits produced nearly the same estimates of unit sales (*i.e.,* the difference between the two forecasted values was less than 1 or 2 percent). However, for rough service and vibration service lamps, the linear regression curve fit projected lamp unit sales would decline to zero for both lamp types by 2018. In contrast, the exponential growth curve fit projected a more gradual decline in unit sales, such that lamps would still be sold beyond 2018, and it was, therefore, considered the more realistic forecast. While DOE was satisfied that either the linear regression or exponential growth spreadsheet model generated a reasonable benchmark unit sales estimate for 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps, DOE selected the exponential growth curve fit for these lamp types for consistency with the selection made for rough service and vibration service lamps.[6] DOE examines the benchmark unit sales estimates and actual sales for each of the five lamp types in the following section and also makes the comparisons available in a spreadsheet online: *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/63*.

IV. Comparison Results

A. Rough Service Lamps

For rough service lamps, the exponential growth forecast projected

[2] ''General service incandescent lamp'' is defined as a standard incandescent or halogen type lamp that—(I) is intended for general service applications; (II) has a medium screw base; (III) has a lumen range of not less than 310 lumens and not more than 2,600 lumens; and (IV) is capable of being operated at a voltage range at least partially within 110 and 130 volts. (42 U.S.C. 6291(30)(D))

[3] The Federal Trade Commission issued the lamp labeling requirements in 1994 (*see* 59 FR 25176 (May 13, 1994)). Further amendments were made to the lamp labeling requirements in 2007 (*see* 16 CFR 305.15(b); 72 FR 49948, 49971–72 (August 29, 2007)). The package must display the lamp's light output (in lumens), energy use (in watts), and lamp life (in hours).

[4] NSF/ANSI 51 applies specifically to materials and coatings used in the manufacturing of equipment and objects destined for contact with foodstuffs.

[5] The least squares function is an analytical tool that DOE uses to minimize the sum of the squared residual differences between the actual historical data points and the modeled value (*i.e.,* the linear curve fit). In minimizing this value, the resulting curve fit will represent the best fit possible to the data provided.

[6] This selection is consistent with the previous annual comparisons. See DOE's 2008 forecast spreadsheet models of the lamp types for greater detail of the estimates.

the benchmark unit sales estimate for 2013 to be 5,495,000 units. The NEMA-provided shipment data reported shipments of 6,237,000 rough service lamps in 2013. As this finding exceeds the estimate by only 13.5 percent, DOE will continue to track rough service lamp sales data and will not initiate regulatory action for this lamp type at this time.

B. Vibration Service Lamps

For vibration service lamps, the exponential growth forecast projected the benchmark unit sales estimate for 2013 to be 2,871,000 units. The NEMA-provided shipment data reported shipments of 1,407,000 vibration service lamps in 2013. As this finding is only 49.0 percent of the estimate, DOE will continue to track vibration service lamp sales data and will not initiate regulatory action for this lamp type at this time.

C. Three-Way Incandescent Lamps

For 3-way incandescent lamps, the exponential growth forecast projected the benchmark unit sales estimate for 2013 to be 49,617,000 units. The NEMA-provided shipment data reported shipments of 34,773,000 3-way incandescent lamps in 2013. As this finding is only 70.1 percent of the estimate, DOE will continue to track 3-way incandescent lamp sales data and will not initiate regulatory action for this lamp type at this time.

D. 2,601–3,300 Lumen General Service Incandescent Lamps

For 2,601–3,300 lumen general service incandescent lamps, the exponential growth forecast projected the benchmark unit sales estimate for 2013 to be 34,044,000 units. The NEMA-provided shipment data reported shipments of 9,296,000 2,601–3,300 lumen general service incandescent lamps in 2013. As this finding is 27.3 percent of the estimate, DOE will continue to track 2,601–3,300 lumen general service incandescent lamp sales data and will not initiate regulatory action for this lamp type at this time.

E. Shatter-Resistant Lamps

For shatter-resistant lamps, the exponential growth forecast projected the benchmark unit sales estimate for 2013 to be 1,667,000 units. The NEMA-provided shipment data reported shipments of 1,093,000 shatter-resistant lamps in 2013. As this finding is only 65.6 percent of the estimate, DOE will continue to track shatter-resistant lamp sales data and will not initiate regulatory action for this lamp type at this time.

V. Conclusion

None of the shipments for rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, or shatter-resistant lamps crossed the statutory threshold for a standard. DOE will continue to monitor these five currently exempted lamp types and will assess 2014 sales by March 31, 2015, in order to determine whether an energy conservation standards rulemaking is required, consistent with 42 U.S.C. 6295(l)(4)(D)–(H).

Issued in Washington, DC, on March 11, 2014.

Kathleen B. Hogan,

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

[FR Doc. 2014–05776 Filed 3–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket No. EERE–2013–BT–STD–0040]

RIN 1904–AC83

Energy Efficiency Program for Consumer Products: Energy Conservation Standards for Commercial and Industrial Air Compressors

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice of public meeting and extension of public comment period.

SUMMARY: This document announces a new date for the March 3, 2014, public meeting that was postponed due to inclement weather, and an extension of the time period for submitting comments concerning the February 5, 2014, Framework Document about whether to establish energy conservation standards for commercial and industrial air compressors. The public meeting has been rescheduled for April 1, 2014. The comment period is extended to April 22, 2014.

DATES: DOE will hold a public meeting on April 1, 2014, from 9:00 a.m. to 3:30 p.m., in Washington, DC. In addition, DOE plans to broadcast the public meeting via webinar. You may attend the public meeting either in person or via webinar. Registration information, participant instructions, and also information about the capabilities available to webinar participants will be published in advance on DOE's Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/58.* Webinar participants are responsible for ensuring their systems are compatible with the webinar software.

The comment period for submissions regarding the Framework Document has been extended to April 22, 2014.

ADDRESSES: *Meeting:* The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 8E–089, 1000 Independence Avenue SW., Washington, DC 20585–0121.

Please note that any visitor with a personal computer who enters the Forrestal Building is required to be screened and to obtain a property pass upon entry. Such visitors should allow 45 minutes for the screening process. As noted above, persons may also attend the public meeting via webinar.

Comments: DOE will accept written comments, data, and other related information about the Framework Document before and after the public meeting, but not later than April 22, 2014. Interested parties are encouraged to submit comments electronically. However, comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Compressors2013STD0040@ee.doe.gov.* Include docket number EERE–2013–BT–STD–0040 and/or regulation identifier number (RIN) 1904–AC83 in the subject line of the message. All comments should clearly identify the name, address, and, if appropriate, organization of the commenter. Submit electronic comments either in WordPerfect, Microsoft Word, portable document format (PDF), or American Standard Code for Information Interchange (ASCII) file format, and avoid the use of special characters or any form of encryption.
- *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, Framework Document for Commercial and Industrial Air Compressors, Docket No. EERE–2013–BT–STD–0040 and/or RIN 1904–AC83, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies. [Please note that comments sent by mail are often delayed and may be damaged by mail screening processes.]
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Sixth Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. Telephone:

(202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Instructions: All submissions received must include the agency name and docket number and/or RIN for this rulemaking. No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *http://www.regulations.gov,* and will include **Federal Register** notices, framework document, public meeting attendee lists and transcripts, comments, and other supporting documents/materials throughout the rulemaking process. The regulations.gov Web page contains simple instructions on how to access all documents, including public comments, in the docket. The docket can be accessed by searching for docket number EERE–2013–BT–STD–0040 on the regulations.gov Web site. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

For information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: James Raba, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–8654. Email: *jim.raba@ee.doe.gov.*

Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–8145. Email: *michael.kido@hq.doe.gov.*

For information on how to submit or review public comments and on how to participate in the public meeting, contact Ms. Brenda Edwards, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone (202) 586–2945. Email: *Brenda.Edwards@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: On February 5, 2014, DOE published a notice announcing the availability of a Framework Document and a public meeting to discuss that document. See 79 FR 6839. That notice announced that the public meeting would be held on March 3, 2014 and that written comments to DOE regarding the Framework Document would need to be submitted by no later than March 24, 2014. In light of the inclement weather that forced the cancellation of the March 3rd meeting, DOE is rescheduling the meeting to be held on April 1, 2014 and is providing commenters until April 22, 2014 to provide any written comments regarding the Framework Document. Accordingly, DOE will consider any comments received by April 22, 2014, to be timely submitted.

Issued in Washington, DC, on March 12, 2014.

Kathleen B. Hogan,

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

[FR Doc. 2014–05933 Filed 3–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. FAA–2014–0155; Notice No. 23–14–01–SC]

Special Conditions: Extra Flugzeugproduktions and Vertriebs [Extra] GmbH, EA–300/LC; Acrobatic Category Aerodynamic Stability

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Extra EA–300/LC airplane. This airplane will have a novel or unusual design feature(s) associated with static stability. This airplane can perform at the highest level of aerobatic competition. To be competitive, the aircraft was designed with positive and, at some points, neutral stability within its flight envelope. Its lateral and directional axes are also decoupled from each other providing more precise maneuvering. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards to EA–300/LC airplanes certified solely in the acrobatic category.

DATES: Send your comments on or before April 17, 2014.

ADDRESSES: Send comments identified by docket number [FAA–2014–0155] using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Ross Schaller, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4162; facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

We will consider all comments we receive on or before the closing date for

comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

On February 3, 2011, Extra GmbH applied for an amendment to Type Certificate No. A67EU to include the derivative model number, EA–300/LC. The EA–300/LC, which is a derivative of the EA–300/L, currently approved under Type Certificate No. A67EU, is a single engine, two-place tandem canopy cockpit, low wing aerobatic monoplane with conventional landing gear.

Its maximum takeoff weight is 2095 pounds (950 kilograms). V_{NE} is 219 knots, V_{NO} is 138 knots, and V_A is 154 knots, indicated airspeed. Maximum altitude is 10,000 feet. The engine is a Lycoming AEIO–580–B1A with a rated power of 315 Horsepower (Hp) at 2,700 revolutions per minute (rpm). The airplane is proposed to be approved for Day-VFR operations with no icing approval. The EA–300/LC is certified under European Aviation Safety Agency (EASA) authority (Type Certificate Data Sheet EASA.A.362) as a dual category (normal/acrobatic) airplane.

Acrobatic airplanes previously type certificated by the FAA did comply with the stability provisions of part 23, subpart B. However, airplanes like the EA–300/LC are considered as ''unlimited'' acrobatic aircraft because they can perform at the highest level of aerobatic competition and can perform any maneuvers listed in the Aresti Catalog. The evolution of the ''unlimited'' types of acrobatic airplanes with very low mass, exceptional roll rates, and very high G capabilities, in addition to power to mass ratios that are unique to this type of airplane, have led to airplanes that cannot comply with the regulatory stability requirements. These airplanes can still be type-certificated, but in the acrobatic category only and with special conditions and limitations.

The FAA will only consider certifying the EA–300/LC in the acrobatic category. Extra GmbH will not be able to offer a normal category-operating envelope to accommodate the increased fuel load designed for cross-country operations. The FAA does recognize that fuel exhaustion is one of the top accident causes associated with this class of aircraft. For this reason, the FAA proposes to allow Extra to seek certification of a limited acrobatic envelope at a higher weight that will still meet the minimum load requirements of +6/-3 g associated with § 23.337. The EA–300/LC airplane would be approved for unlimited maneuvers at or below its designed unlimited acrobatic weight. The airplane would also be approved, at some higher weight (for fuel/passenger), that would still meet the requirements of § 23.337 for acrobatic category and may have restrictions on the maneuvers allowed.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Extra GmbH must show that the EA–300/LC meets the applicable provisions of part 23, as amended by Amendment 23–34 effective September 14, 1987 and Special Condition 23–ACE–65, published in the **Federal Register** (57 FR 175), September 9, 1992. These regulations will be incorporated into Type Certificate No. A67EU after type certification approval of the EA–300/LC. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The regulations incorporated by reference in A67EU are as follows:

14 CFR part 36, effective December 1, 1969, as amended by Amendments 36–1 through 36–28.

Not approved for ditching; compliance with provisions for ditching equipment in accordance with 14 FR 23.1415(a)(b) has not been demonstrated.

Approved for VFR-day only. Flight in known icing prohibited.

In addition, the certification basis includes other regulations, special conditions and exemptions that are not relevant to these proposed special conditions. Type Certificate No. A67EU will be updated to include a complete description of the certification basis for this model airplane.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 23) do not contain adequate or appropriate safety standards for the EA–300/LC because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the EA–300/LC must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.101.

Novel or Unusual Design Features

The Extra GmbH EA–300/LC will incorporate the following novel or unusual design features:

For acrobatic category airplanes with unlimited acrobatic capability:

Neutral longitudinal and lateral static stability characteristics

Discussion

The Code of Federal Regulations states static stability criteria for longitudinal, lateral, and directional axes of an airplane. However, none of these criteria is adequate to address the specific issues raised in the flight characteristics of an unlimited aerobatic airplane. Therefore, the FAA has determined after a flight-test evaluation that, in addition to the requirements of parts 21 and 23, special conditions are needed to address these static stability characteristics.

Applicability

As discussed above, these special conditions are applicable to the EA–300/LC. Should Extra GmbH apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

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

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

The authority citation for these special conditions is as follows:

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

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Extra GmbH EA–300/LC airplanes.

1. Unlimited Acrobatic-Only Category Static Stability Requirements

SC23.171 Flight—General: Acrobatic category airplanes with unlimited

acrobatic capability must be neutrally or positively stable in the longitudinal, directional, and lateral axes under Secs. SC23.173 through SC23.177. Additionally, the airplane must show suitable stability and control ''feel'' (static stability) in any condition normally encountered in service, if flight tests show it is necessary for safe operation.

SC23.173 Static longitudinal stability: Under the conditions specified in SC23.175 and with the airplane trimmed as indicated, the characteristics of the elevator control forces, positions, and the friction within the control system must be as follows:

(a) A pull on the yoke must be required to obtain and maintain speeds below the specified trim speed and a push on the yoke required to obtain and maintain speeds above the specified trim speed. This must be shown at any speed that can be obtained, except that speeds requiring a control force in excess of 40 pounds or speeds above the maximum allowable speed or below the minimum speed for steady unstalled flight need not be considered.

(b) The stick force or position must vary with speed so that any substantial speed change results in a stick force or position clearly perceptible to the pilot.

SC23.175 Demonstration of static longitudinal stability:

(a) Climb. The stick force curve must have, at a minimum, a neutrally stable to stable slope at speeds between 85 and 115 percent of the trim speed, with—

(1) Maximum continuous power; and

(2) The airplane trimmed at the speed used in determining the climb performance required by § 23.69(a).

(b) Cruise. With the airplane power and trim set for level flight at representative cruising speeds at high and low altitudes, including speeds up to V_{NO}, except the speed need not exceed V_H—

(1) The stick force curve must, at a minimum, have a neutrally stable to stable slope at all speeds within a range that is the greater of 15 percent of the trim speed plus the resulting free return speed range, or 40 knots plus the resulting free return speed range above and below the trim speed, except the slope need not be stable—

(i) At speeds less than 1.3 V_{S1}; or

(ii) For airplanes with V_{NE} established under § 23.1505(a), at speeds greater than V_{NE}.

(c) Landing. The stick force curve must, at a minimum, have a neutrally stable to stable slope at speeds between 1.1 V_{S1} and 1.8 V_{S1} with—

(1) Landing gear extended; and

(2) The airplane trimmed at—

(i) V_{REF}, or the minimum trim speed if higher, with power off; and

(ii) V_{REF} with enough power to maintain a 3-degree angle of descent.

SC23.177 Static directional and lateral stability:

(a) The static directional stability, as shown by the tendency to recover from a wings level sideslip with the rudder free, must be positive for any landing gear and flap position appropriate to the takeoff, climb, cruise, approach, and landing configurations. This must be shown with symmetrical power up to maximum continuous power, and at speeds from 1.2 V_{S1} up to the maximum allowable speed for the condition being investigated. The angle of sideslip for these tests must be appropriate for the airplane type. At larger angles of sideslip, up to where full rudder is used or a control force limit in § 23.143 is reached, whichever occurs first, and at speeds from 1.2 V_{S1} to V_O, the rudder pedal force must not reverse.

(b) In straight, steady slips at 1.2 V_{S1} for any landing gear and flap positions, and for any symmetrical power conditions up to 50 percent of maximum continuous power, the rudder control movements and forces must increase steadily, but not necessarily in constant proportion, as the angle of sideslip is increased up to the maximum appropriate to the type of airplane. The aileron control movements and forces may increase steadily, but not necessarily in constant proportion, as the angle of sideslip is increased up to the maximum appropriate for the airplane type. At larger slip angles, up to the angle at which the full rudder or aileron control is used or a control force limit contained in § 23.143 is reached, the aileron and rudder control movements and forces must not reverse as the angle of sideslip is increased. Rapid entry into, and recovery from, a maximum sideslip considered appropriate for the airplane must not result in uncontrollable flight characteristics.

Issued in Kansas City, Missouri on March 11, 2014.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–05951 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0076; Airspace Docket No. 14–ANE–4]

Proposed Amendment of Class E Airspace; Bridgeport, CT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E Airspace at Bridgeport, CT, as the Bridgeport VOR has been decommissioned, requiring airspace redesign at Igor I. Sikorsky Memorial Airport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport. This action also would update the geographic coordinates of Sikorsky Heliport.

DATES: Comments must be received on or before May 2, 2014.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2014–0076; Airspace Docket No. 14–ANE–4, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule 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–2014–0076; Airspace Docket No. 14–ANE–4) and be submitted in triplicate to

the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons 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 Docket No. FAA–2014–0076; Airspace Docket No. 14–ANE–4.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **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 between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 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, to request a copy of Advisory circular No. 11–2A, Notice of Proposed Rulemaking distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class E airspace extending upward from 700 feet above the surface at Igor I. Sikorsky Memorial Airport, Bridgeport, CT. Airspace reconfiguration to within a 9.0-mile radius of the airport is necessary due to the decommissioning of the Bridgeport VOR and cancellation of the VOR approaches, and for continued safety and management of IFR operations at the airport. The geographic coordinates of Sikorsky Heliport would be adjusted to coincide with the FAAs aeronautical database.

Class E airspace designations are published in Paragraph 6005 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 Class E airspace designation listed in this document will be published subsequently 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. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); 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 proposed 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 airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class E airspace at Igor I. Sikorsky Memorial Airport, Bridgeport, CT.

This proposal would 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.

Lists 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 Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, effective September 15, 2013, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth.

* * * * *

ANE CT E5 Bridgeport, CT [Amended]

Igor I. Sikorsky Memorial Airport, CT
(Lat. 41°09′48″ N., long. 73°07′34″ W.)
Sikorsky Heliport, CT
(Lat. 41°15′12″ N., long. 73°05′22″ W.)

That airspace extending upward from 700 feet above the surface within a 9.0-mile radius of Igor I. Sikorsky Airport, and within an 8.5-mile radius of Sikorsky Heliport.

Issued in College Park, Georgia, on March 10, 2014 .

Eric Fox,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2014–05889 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0097; Airspace Docket No. 14–ASO–4]

Proposed Amendment of Class E Airspace; Newnan, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E Airspace at Newnan, GA, as new Standard Instrument Approach Procedures have been developed at

Newnan Coweta County Airport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport. This action also would update the geographic coordinates of airport.

DATES: Comments must be received on or before May 2, 2014.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2014–0097; Airspace Docket No. 14–ASO–4, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule 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–2014–0097; Airspace Docket No. 14–ASO–4) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov*.

Persons 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 Docket No. FAA–2014–0097; Airspace Docket No. 14–ASO–4.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **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 between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory circular No. 11–2A, Notice of Proposed Rulemaking distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class E airspace extending upward from 700 feet above the surface at Newnan Coweta County Airport, Newnan, GA. A segment would be added from the 6.5-mile radius of the airport to 14 miles southeast of the airport to support new Standard Instrument Approach Procedures, and for continued safety and management of IFR operations at the airport. Also, the geographic coordinates of the airport would be adjusted to coincide with the FAAs aeronautical database.

Class E airspace designations are published in Paragraph 6005 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 Class E airspace designation listed in this document will be published subsequently 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. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); 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 proposed 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 airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class E airspace at Newnan Coweta County Airport, Newnan, GA.

This proposal would 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.

Lists 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 Federal Aviation

Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, effective September 15, 2013, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth.

* * * * *

ASO GA E5 Newnan, GA [Amended]

Newnan Coweta County Airport, GA
(Lat. 33°18′42″ N., long. 84°46′11″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Newnan Coweta County Airport, and within 2 miles each side of the 140° bearing from the airport, extending 14 miles southeast of the airport.

Issued in College Park, Georgia, on March 10, 2014.

Eric Fox,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2014–05888 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0046; Airspace Docket No. 14–ASO–1]

Proposed Amendment of Class E Airspace; Elkin, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Elkin, NC, as new Standard Instrument Approach Procedures have been developed at Elkin Municipal Airport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport. This action also would update the geographic coordinates of airport.

DATES: Comments must be received on or before May 2, 2014.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2014–0046; Airspace Docket No. 14–ASO–1, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule 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–2014–0046; Airspace Docket No. 14–ASO–1) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons 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 Docket No. FAA–2014–0046; Airspace Docket No. 14–ASO–1.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **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 between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 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, to request a copy of Advisory circular No. 11–2A, Notice of Proposed Rulemaking distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class E airspace extending upward from 700 feet above the surface at Elkin Municipal Airport, Elkin, NC. Airspace reconfiguration to within a 9.3-mile radius of the airport is necessary to support new Standard Instrument Approach Procedures developed at Elkin Municipal Airport, and for continued safety and management of IFR operations at the airport. The geographic coordinates of the airport would be adjusted to coincide with the FAAs aeronautical database.

Class E airspace designations are published in Paragraph 6005 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 Class E airspace designation listed in this document will be published subsequently 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. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); 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 proposed 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 airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class E airspace at Elkin Municipal Airport, Elkin, NC.

This proposal would 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.

Lists 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 Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, effective September 15, 2013, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth.

* * * * *

ANE NC E5 Elkin, NC [Amended]

Elkin Municipal Airport, NC

(Lat. 36°14′48″ N., long. 80°47′10″; W.)

That airspace extending upward from 700 feet above the surface within a 9.3-mile radius of Elkin Municipal Airport.

Issued in College Park, Georgia, on March 10, 2014.

Eric Fox,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2014–05890 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2014–0108]

RIN 1625–AA08

Special Local Regulations for Marine Events, Choptank River, Between Cambridge, MD and Trappe, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations during the ''Choptank Bridge Swim'', a marine event to be held on the waters of the Choptank River between Cambridge, MD and Trappe, MD on May 10, 2014. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of the Choptank River during the event.

DATES: Comments and related material must be received by the Coast Guard on or before April 17, 2014. The Coast Guard anticipates that this proposed rule will be effective on May 10, 2014.

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

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

(2) Fax: 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ronald Houck, U.S. Coast Guard Sector Baltimore, MD; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Cheryl Collings, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

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

1. Submitting comments

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

To submit your comment online, go to *http://www.regulations.gov*, type the docket number [USCG–2014–0108] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed

postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number (USCG–2014–0108) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

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

4. Public Meeting

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

B. Regulatory History and Information

The current regulations under 33 CFR part 100 address safety for reoccurring marine events. This marine event does not appear in the current regulations; however, as it is a regulation to provide effective control over regattas and marine parades on the navigable waters of the United States so as to insure safety of life in the regatta or marine parade area, this marine event therefore needs to be temporarily added.

C. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233. The purpose of the rule is to ensure safety of life on navigable waters of the United States during the Choptank Bridge Swim event.

D. Discussion of Proposed Rule

On May 10, 2014, The Columbia Triathlon Association, Inc. of Columbia, Maryland, is sponsoring the inaugural ''Choptank Bridge Swim'' across the Choptank River between Cambridge, MD and Trappe, MD. The event will occur from 10 a.m. to 2:15 p.m. Approximately 250 swimmers will compete on a 3.6-mile and 1.6-mile endurance open water courses. For the 1.6 mile swim, participants will start at the Choptank River Fishing Pier State Park on the Talbot County side of the Choptank River and swim between the Choptank River Bridge and the Choptank River Fishing Pier, finishing on the beach at the Dorchester County Visitor's Center. Swimmers participating in the longer 3.6 mile swim will begin on the beach at the Hyatt Regency in Cambridge (south side of the river), swim 2 miles north across the river to the Choptank River Fishing Pier State Park, and then follow the 1.6 mile course between the Choptank River Bridge and the Choptank River Fishing Pier, finishing on the beach at the Dorchester County Visitor's Center. The inaugural Choptank Bridge Swim is sanctioned by the World Open Water Swimming Association. Participants will be supported by sponsor-provided watercraft. The swim course will impede the federal navigation channel.

The Coast Guard proposes to establish special local regulations on specified waters of the Choptank River. The regulations will be enforced from 9 a.m. to 3 p.m. on May 10, 2014. The regulated area includes all waters of Choptank River, from shoreline to shoreline, within and area bounded on the east by a line drawn from latitude 38°35′13″ N, longitude 076°02′33″ W, thence south to latitude 38°33′50″ N, longitude 076°02′07″ W, and bounded on the west by a line drawn from latitude 38°35′37″ N, longitude 076°03′09″ W, thence south to latitude 38°34′25″ N, longitude 076°04′05″ W, located at Cambridge, MD.

The effect of this proposed rule will be to restrict general navigation in the regulated area during the event. Vessels intending to transit the Choptank River through the regulated area will be allowed to safely transit the regulated area only when the Coast Guard Patrol Commander has deemed it safe to do so. The Coast Guard will temporarily restrict vessel traffic in the event area to provide for the safety of participants, spectators and other transiting vessels. The Coast Guard will provide notice of the special local regulations by Local Notice to Mariners, Broadcast Notice to Mariners, and the official patrol on scene.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The economic impact of this rulemaking is not significant for the following reasons: (1) The special local regulations will be enforced for only 6 hours; (2) the regulated area has been narrowly tailored to impose the least impact on general navigation, yet provide the level of safety deemed necessary; (3) although the regulated area applies to the entire width of the Choptank River, persons and vessels will be able to transit safely through a portion of the regulated area once the last participant has cleared that portion of the regulated area and when the Coast Guard Patrol Commander deems it safe to do so; and (4) the Coast Guard will provide advance notification of the special local regulations to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

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

This rulemaking may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of the Choptank River encompassed within the special local regulations from 9 a.m. to 3 p.m. on May 10, 2014. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact

on a substantial number of small entities.

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

3. Assistance for Small Entities

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children from Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary section, § 100.35–T05–0108 to read as follows:

§ 100.35–T05–0108 Special Local Regulations for Marine Events, Choptank River; Between Cambridge, MD and Trappe, MD.

(a) *Regulated area.* The following location is a regulated area: All waters of the Choptank River, from shoreline to shoreline, within and area bounded on the east by a line drawn from latitude 38°35′13″ N, longitude 076°02′33″ W, thence south to latitude 38°33′50″ N, longitude 076°02′07″ W, and bounded on the west by a line drawn from latitude 38°35′37″ N, longitude 076°03′09″ W, thence south to latitude 38°34′25″ N, longitude 076°04′05″ W, located at Cambridge, MD. All coordinates reference Datum NAD 1983.

(b) *Definitions:* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Baltimore.

(2) *Official Patrol* means any vessel assigned or approved by Commander,

Coast Guard Sector Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* means all persons and vessels participating in the Choptank Bridge Swim event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Baltimore.

(c) *Special local regulations:* (1) The Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(2) With the exception of participants, all persons desiring to transit the regulated area must first obtain authorization from the Captain of the Port Baltimore or his designated representative. To seek permission to transit the area, the Captain of the Port Baltimore and his designated representatives can be contacted at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). All Coast Guard vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz).

(3) The Coast Guard Patrol Commander may terminate the event, or the operation of any participant in the event, at any time it is deemed necessary for the protection of life or property.

(4) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) Enforcement period: This section will be enforced from 9 a.m. to 3 p.m. on May 10, 2014.

Dated: February 28, 2014.

Kevin C. Kiefer,

Captain, U.S. Coast Guard, Captain of the Port Baltimore.

[FR Doc. 2014–05963 Filed 3–17–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2014–0073]

RIN 1625–AA08

Special Local Regulation; 38th Annual Swim Around Key West, Atlantic Ocean and Gulf of Mexico; Key West, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a special local regulation on the waters of the Atlantic Ocean and the Gulf of Mexico surrounding the island of Key West, Florida during the 38th Annual Swim around Key West on June 28, 2014. The event entails a large number of participants who will begin at Smather's Beach and swim one full circle clockwise around the island of Key West. The proposed special local regulation is necessary to provide for the safety of the spectators, participants, participating support vessels and kayaks, and the general public during the event. The proposed special local regulation will consist of a moving area that will temporarily restrict vessel traffic in a portion of both the Atlantic Ocean and the Gulf of Mexico, and will prevent non-participant vessels from entering, transiting through, anchoring in, or remaining within the area unless authorized by the Captain of the Port Key West or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before April 17, 2014.

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

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

(2) *Fax:* 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this Notice of Proposed Rulemaking, call or email Marine Science Technician First Class Ian G. Bowes, Sector Key West Prevention Department, U.S. Coast Guard; telephone (305) 292–8823, email *Ian.G.Bowes@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

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

1. Submitting Comments

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

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2014–0073 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to

know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2014–0073 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

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

4. Public Meeting

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

B. Basis and Purpose

The legal basis for the proposed rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233. The purpose of the proposed rule is to protect race participants, participant vessels, spectators, and the general public from the hazards associated with the event.

C. Discussion of Proposed Rule

The 38th Annual Swim around Key West will take place on June 28, 2014. The event entails a large number of participants who will begin at Smather's Beach and swim one full circle clockwise around the island of Key West. The proposed special local regulation encompasses certain waters of the Atlantic Ocean and Gulf of Mexico. The special local regulation will be enforced on Saturday, June 28, 2014 from 7:30 a.m. until 3:30 p.m. It consists of a moving race area where all persons and vessels, except those participating in the race or serving as safety vessels, are prohibited from entering, transiting through, anchoring in, or remaining within these areas unless authorized by the Captain of the Port Key West or a designated representative. The race area will commence at Smather's Beach at 7:30 a.m., transit west to the area offshore of Fort Zach State Park, north through Key West Harbor, east through Fleming Cut, south on Cow Key Channel and west back to origin. Safety vessels will precede the first participating swimmers and follow the last participating swimmers. This event poses significant risks to participants, spectators, and the boating public because of the large number of swimmers and recreational vessels that are expected in the area of the event. The proposed special local regulation is necessary to ensure the safety of participants, spectators, and vessels from the hazards associated with the event.

The proposed special local regulation will be enforced from 7:30 a.m. to 3:30 p.m. on June 28, 2014. Persons and vessels who are neither participating in the race nor serving as safety vessels may not enter, transit through, anchor in, or remain within the regulated area unless authorized by the Captain of the Port Key West or a designated representative.

Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Key West by telephone at (305) 292–8727, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within regulated area is granted by the Captain of the Port Key West or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Key West or a designated representative. The Coast Guard will provide notice of the special local regulation by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

D. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 14 of these statutes or executive orders.

1. Regulatory Planning and Review

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

The economic impact of this proposed rule is not significant for the following reasons: (1) The special local regulation will only be enforced for eight hours; (2) vessel traffic in the area is expected to be minimal during the enforcement period; (3) although persons and vessels will not be able to enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Key West or a designated representative, they may operate in the surrounding area during the enforcement period; (4) persons and vessels may still enter, transit through, anchor in, or remain within the safety zone if authorized by the Captain of the Port Key West or a designated representative; and (5) the Coast Guard will provide advance notification of the special local regulation to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of the Atlantic Ocean and the Gulf of Mexico encompassed within the special local regulation from 7:30 a.m. until 3:30 p.m. on June 28, 2014. For the reasons discussed in the Regulatory Planning and Review section above, this proposed rule will not have a significant

economic impact on a substantial number of small entities.

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

3. Assistance for Small Entities

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

4. Collection of Information

This proposed rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule is categorically excluded, under Figure 2–1, paragraph (34)(g), of the Instruction. This proposed rule involves establishing a special local regulation that will be enforced for a total of eight hours. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.T07–0073 to read as follows:

§ 100.T07–0073 Special Local Regulation; 38th Annual Swim around Key West, Atlantic Ocean and Gulf of Mexico; Key West.

(a) *Regulated area.* The following regulated area is established as a special local regulation. All waters within a moving zone, beginning at Smather's Beach in Key West, FL. The regulated area will move, west to the area offshore of Fort Zach State Park, north through Key West Harbor, east through Fleming Cut, south on Cow Key Channel and west back to origin. The center of the regulated area will at all times remain approximately 50 yards offshore of the island of Key West; extend 50 yards in front of the lead safety vessel preceding the first race participants; extend 50 yards behind the safety vessel trailing the last race participants; and at all

times extend 100 yards on either side of the race participants and safety vessels.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Key West in the enforcement of the regulated area.

(c) *Regulations.*

(1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Key West or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Key West by telephone at (305) 292–8727, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Key West or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Key West or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective date.* This rule is effective from 7:30 a.m. until 3:30 p.m. on June 28, 2014.

Dated: February 24, 2014.

A. S. Young Sr.,

Captain, U.S. Coast Guard, Captain of the Port Key West.

[FR Doc. 2014–05864 Filed 3–17–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket No. ED–2014–OPE–0037; CFDA Number: 84.229A.]

Proposed Priority—Language Resource Centers Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Proposed priority.

SUMMARY: The Acting Assistant Secretary for Postsecondary Education proposes a priority for the Language Resource Centers (LRC) Program administered by the International and Foreign Language Education (IFLE) Office. The Acting Assistant Secretary may use this priority for competitions in fiscal year (FY) 2014 and later years. We take this action to focus Federal financial assistance on an identified national need. We intend the priority to make international education opportunities available to more American students.

DATES: We must receive your comments on or before April 17, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to the site?''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Michelle Guilfoil, U.S. Department of Education, 1990 K Street NW., room 6107, Washington, DC 20006–8502.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Michelle Guilfoil. Telephone: (202) 502–7625 or by email: *mailto:michelle.guilfoil@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 proposed priority. To ensure that your comments have maximum effect in developing the final priority, we urge you to identify clearly the section of the proposed priority that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice in room 6099, 1990 K St., NW., 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. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Purpose of Program: The purpose of the LRC Program is to provide grants for establishing, strengthening, and operating centers that serve as resources for improving the Nation's capacity for teaching and learning foreign languages through teacher training, research, materials development, and dissemination projects.

Program Authority: 20 U.S.C. 1123.

Applicable Program Regulations: 34 CFR parts 655 and 669.

Proposed Priority: This notice contains one proposed priority.

Background

Through the LRC Program, the Department makes awards to institutions of higher education or consortia of institutions of higher education to establish, strengthen, and operate centers that serve as resources for improving the Nation's capacity for teaching and learning foreign languages through teacher training, research, materials development, and dissemination projects. The objective of the LRC Program is to increase the national capacity in world language instruction and learning and to promote the research and dissemination of effective language instruction materials and techniques, among other allowable activities.

We propose a priority for applications that propose collaborative activities with a Minority-Serving Institution (MSI) or community college. We intend

for this priority to address a gap in the types of institutions, faculty, and students that have historically benefitted from the instruction, training, and outreach available at Language Resource Centers. Currently, the Language Resource Centers conduct collaborative activities with MSIs and with community colleges only ad hoc, which limits the extent to which the training and research resources of those centers are available to and accessed by students and faculty at MSIs and community colleges. We believe that by specifying the types of institutional collaborations that the Language Resource Centers should engage in, and the types of collaborative activities they should conduct, the activities are more likely both to have a meaningful and measurable effect on students and faculty at MSIs and community colleges and be institutionalized and sustained.

Research data indicate that minority students are less likely to have access to, or consider academic programs that provide the requisite training for careers in international service, including study abroad and area studies. (Tillman, ''Diversity in Education Workshop Summary Report'', September, 2010.)

Among the barriers preventing these students from pursuing international studies are a lack of exposure to international opportunities, and lack of access to information, including information about international careers. (Belyavina and Bhandari, ''Increasing Diversity in International Careers: Economic Challenges and Solutions'', International Institute of Education, November 2011.)

We believe that by encouraging LRC institutions and MSIs and community colleges to jointly plan, conduct, and implement activities, the international programming, student instruction, career advising, and faculty development opportunities on all campuses will be strengthened and expanded. These collaborations also enhance institutional capacity to recruit students into international studies and foreign language training.

We believe that successful institutional collaborations between LRC institutions and MSIs and community colleges will increase the access of traditionally underserved populations to opportunities for foreign language learning and the visibility of international and foreign language programs and activities on the campuses of MSIs and community colleges.

For this priority, we propose a definition of ''Minority-Serving Institution'' that would include institutions eligible to receive assistance under §§ 316 through 320 of part A or under part B of Title III or under Title V of the HEA. Title III reflects our national interest in supporting those institutions of higher education that serve low-income and minority students so that access to, and quality of, postsecondary education opportunities may be enhanced for all students. Title V targets Hispanic-Serving Institutions because of the high percentage of Hispanic Americans who are at high risk of not enrolling or graduating from institutions of higher education. The law was designed to reduce the rising disparity between the enrollment of non-Hispanic white students and Hispanic students in postsecondary education.

Accordingly, we propose to use this definition of MSI because both Title III and Title V programs target college student populations that are underrepresented in international education, and we would like to increase the representation of these groups through collaboration between Title III/Title V institutions and Title VI grantee institutions.

Because the purpose of the priority is to make international education opportunities available to more American students, we propose a definition of ''community college'' for use with this priority that is broader than the definition in the HEA. The definition of ''junior or community college'' in section 312(f) of the HEA (20 U.S.C. 1058(f)) excludes institutions that award bachelor's and graduate degrees. For the purpose of this priority, we propose to include in the definition of ''community college'' institutions that offer bachelor's or graduate degrees if more than 50 percent of the degrees and certificates they award are degrees and certificates that are not bachelor's or graduate degrees. We propose this definition to include institutions that serve significant numbers of students enrolled in programs traditionally offered by community colleges, such as associate degree and certificate programs.

Proposed Priority

Applications that propose significant and sustained collaborative activities with a Minority-Serving Institution (MSI) (as defined in this notice) or a community college (as defined in this notice). These activities must be designed to incorporate foreign languages into the curriculum of the MSI or community college and to improve foreign language instruction on the MSI or community college campus.

For the purposes of this priority:

Community college means an institution that meets the definition in section 312(f) of the HEA (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA (20 U.S.C. 1001)) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution means an institution that is eligible to receive assistance under §§ 316 through 320 of part A of Title III, under part B of Title III, or under Title V of the HEA.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priority and Definitions

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this proposed regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order

and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this proposed priority only on a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the PRA (44 U.S.C. 3506 (c)(2)(A)). The Department plans to revise the information collection for the LRC Program by including more detailed guidance to assist applicants in responding to the Evaluation Plan criterion in §§ 655.31 and 669.21 of the application; and by requiring one new performance measure form (PMF). The PMF will require applicants to identify project goals and project-specific measures for the LRC Program project they propose to conduct. Information will also be provided on how applicants, should they become grantees, will meet and report on the Government Performance and Results Act (GPRA) measures that have been developed for the LRC Program.

The IFLE Office developed this PMF so that applicants may propose projects with high-quality implementation plans at the outset and will require them to lay a stronger foundation for reporting progress and performance results. Additionally, the form will provide the Department information that is more useful and valid in demonstrating to Congress and other stakeholders the impact of LRC project.

This form may result in some additional time requirements in the application preparation, but will reduce the total burden hours for future grantee reporting as the form is designed for easy data collection and reporting. This form also facilitates the process of developing a sound evaluation plan during the application phase of the process.

The Evaluation Plan criterion in the LRC Program regulations evaluates ''the quality of the evaluation plan for the project'' and whether ''the methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable,'' among other factors. We will include in the application detailed guidance on how to respond to this criterion in a more comprehensive and compelling manner.

In order to standardize the kind of performance data to be requested from applicants, we have developed a project-specific PMF and a GPRA PMF. These forms contain the same elements: (a) Project goal statement; (b) Performance measures; (c) Activities; (d) Data/Indicators; (e) Frequency; (f) Data Source; and (g) Baseline and Targets, but the purposes for the forms differ.

Applicants will submit a project-specific form for each project goal that the institutions have deemed as important to the proposed LRC project. For that reason, the total number of project-specific PMFs in each application will vary. Applicants will also be provided with a sample GPRA PMF for reference purposes.

We expect the new evaluation plan for this information collection will increase the applicant burden by an estimated 20 hours per response for a total burden of 100 hours. We believe that this additional time will improve the quality of the submitted applications, and subsequently improve the application review, grant making, and performance reporting processes. When awards are made, grantees will already be fully aware of reporting requirements.

If you want to comment on the proposed information collection requirements, please send your comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for U.S. Department of Education. Send these comments by email to *OIRA_DOCKET@omb.gov* or by

fax to (202) 395–6974. You may also send a copy of these comments to the Department contact named in the **ADDRESSES** section of this preamble or submit electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–OPE–0037.

Please be advised that the public comment period for submitting comments on the notice of proposed priorities (NPP) is the same for submitting comments on the information collection (IC); therefore, use the NPP Docket number as the identifier for both sets of comments. You may, however, submit the NPP comments and the IC comments separately in the regulations.gov site.

We have prepared an ICR for this collection. In preparing your comments you may want to review the ICR, which is available at *www.reginfo.gov.* Click on Information Collection Review. This proposed collection is identified as proposed collection 1840–0808 ED–2014–OPE–0037.

We consider your comments on this proposed collection of information in—

- Deciding whether the proposed collection is necessary for the proper performance of our functions, including whether the information will have practical use;
- Evaluating the accuracy of our estimate of the burden of the proposed collection, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the Information we collect; and
- Minimizing the burden on those who must respond.

This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives your comments by April 17, 2014. This does not affect the deadline for your comments to us on the proposed regulations.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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 program 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.

Dated: March 13, 2014.

Lynn B. Mahaffie,

Senior Director, Policy Coordination, Development, and Accreditation Service, delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–05937 Filed 3–17–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket No. ED–2014–OPE–0038; CFDA Number: 84.015A.]

Proposed Priorities—National Resource Centers Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Proposed Priorities.

SUMMARY: The Acting Assistant Secretary for Postsecondary Education proposes two priorities for the National Resource Centers (NRC) Program administered by the International and Foreign Language Education (IFLE) Office. The Acting Assistant Secretary may use these priorities for competitions in fiscal year (FY) 2014 and later years. We take this action to focus Federal financial assistance on an identified national need. We intend the priority to address a gap in the types of institutions, faculty, and students that have historically benefitted from the instruction, training, and outreach available at national resource centers and to address a shortage in the number of teachers entering the teaching profession with international education and world language training certification and credentials.

DATES: We must receive your comments on or before April 17, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to the site?''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202–2700.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Cheryl E. Gibbs. Telephone: (202) 502–7634 or by email: *cheryl.gibbs@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 on these proposed priorities. To ensure that your comments have maximum effect in developing the final priorities, we urge you to identify clearly the specific priority that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirements of reducing regulatory burden that might result from these proposed priorities. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice in room 6083, 1990 K St. NW., 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. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Purpose of Program: The NRC Program provides grants to institutions of higher education or consortia of such institutions to establish, strengthen, and operate comprehensive and undergraduate foreign language and area or international studies centers that will be national resources for: (a) Teaching of any modern foreign language; (b) instruction in fields needed to provide full understanding of areas, regions, or countries in which the modern language is commonly used; (c) research and training in international studies and the international and foreign language aspects of professional and other fields of study; and (d) instruction and research on issues in world affairs that concern one or more countries.

Program Authority: 20 U.S.C. 1122.

Applicable Program Regulations: 34 CFR parts 655 and 656.

Proposed Priorities: This notice contains two proposed priorities.

Background:

The NRC Program is authorized by section 602 of the Higher Education Act of 1965, as amended (HEA). Through this program, the Department makes awards to institutions of higher education, or consortia of institutions of higher education, to establish, strengthen, or operate nationally recognized foreign language and area or international studies centers or programs. Grant awards may be used to support undergraduate centers or comprehensive centers that provide training at undergraduate, graduate, and professional levels.

The objective of the NRC Program is to increase the national capacity in world language instruction and learning, instruction and research on issues in world affairs, and instruction, outreach, and teacher training in fields needed to provide full understanding of areas, regions, or countries in which the world languages are used, among other allowable activities.

We are proposing two priorities to address a gap in the types of institutions, faculty, and students that have historically benefitted from the instruction, training, and outreach available at national resource centers and to address a shortage in the number of teachers entering the teaching profession with international education and world language training certification and credentials.

We first propose a priority for applications that propose collaborative activities with a Minority-Serving Institution (MSI) or a community college. Currently the National Resource Centers collaborate with MSIs and community colleges only ad hoc. This, however, limits the extent to which the instruction, training, and professional development resources are regularly available to and accessed by students and faculty at MSIs and community colleges. We believe that by requiring NRC institutions and MSIs and community colleges to jointly plan, conduct, and implement activities, the international programming, student instruction, career advising, and faculty development opportunities on all campuses will be strengthened and expanded. These collaborations also enhance institutional capacity to recruit students into international studies and foreign language training.

Research data indicate that minority students are less likely to have access to, or consider academic programs that provide the requisite training for careers in international service, including study abroad and area studies. (Tillman, ''Diversity in Education Workshop Summary Report'', September, 2010.)

Among the barriers preventing these students from pursuing international studies are a lack of exposure to international opportunities, and lack of access to information, including information about international careers. (Belyavina and Bhandari, ''Increasing Diversity in International Careers: Economic Challenges and Solutions'', International Institute of Education, November 2011.)

We believe that by specifying the types of institutional collaborations that the National Resource Centers must engage in, and the types of collaborative activities they must conduct, the activities are more likely both to have a meaningful and measurable effect on students and faculty at MSIs and community colleges and be institutionalized and sustained. We also believe that successful institutional collaborations of this nature will increase the access of traditionally underserved populations to opportunities for international and foreign language learning and the visibility of international and foreign language programs and activities on the campuses of MSIs and community colleges. For this priority, we propose a definition of ''Minority-Serving Institution'' that would include institutions eligible to receive assistance under §§ 316 through 320 of part A of Title III, under part B of Title III, or under Title V of the HEA.

The Department would use this definition because both Title III and Title V programs target college student populations that are underrepresented in international education. The Department would like to increase the representation of these groups through collaborations between Title III/Title V institutions and Title VI institutions.

Title III reflects our national interest to provide support to those institutions of higher education that serve low-income and minority students so that equality of access and quality of postsecondary education opportunities may be enhanced for all students. Under the Title III, institutions may receive designation of eligibility depending on their submitted institutional evidence documenting their student demographic data.

Title V targets Hispanic-Serving Institutions (HSIs) because of the high percentage of Hispanic Americans who are at risk of not enrolling in or graduating from institutions of higher education. The law was designed to reduce disparities between the enrollment of non-Hispanic white students and Hispanic students in postsecondary education, which continue to rise.

Because the purpose of this priority to extend the reach of NRCs to institutions that have benefitted less from the instruction, training, and outreach the NRCs make available, we propose a definition of ''community college'' for use with this priority that is broader than the definition in the HEA. The definition of ''junior or community college'' in section 312(f) of the HEA (20 U.S.C. 1058(f)) excludes institutions that

award bachelor's and graduate degrees. For the purpose of this priority, we propose to include in the definition of ''community college'' institutions that offer bachelor's or graduate degrees if more than 50 percent of the degrees and certificates they award are degrees and certificates that are not bachelor's or graduate degrees. We propose this definition to include institutions that serve significant numbers of students enrolled in programs traditionally offered by community colleges, such as associate degree and certificate programs. We propose a second priority for applicants that propose to collaborate with schools or colleges of education. This priority is designed to help address the shortage of qualified teachers who are trained, certified, and credentialed to teach world languages in kindergarten through grade 12 (K–12) schools. The priority also is intended to contribute to an increase in the number of prospective teachers who have access to international courses, training, and cultural experiences that will help to enhance their instructional practice. A study commissioned by the National Research Council of the National Academies determined that the lack of international and global teacher preparation curricula and advanced language training programs represent major hurdles in addressing the current critical shortage of language teachers. The committee called for greater collaboration among schools of education and language, international, and area studies departments to provide better training for language teachers (International Education and Foreign Languages: Keys to Securing America's Future, The National Academies Press, 2007).

One of the invitational priorities for the current FY 2010–2013 NRC grant cycle encourages the NRCs to collaborate with all professional schools on their campuses, including schools of business, law, public health, journalism, and education. We propose the second priority to focus specifically on collaborations with the college or school of education on the NRC campus. This targeted collaboration is designed to help provide future teachers with the training required to teach world languages and international studies courses. This cadre of teachers is vital to teaching students to live and work in a world with diverse peoples, languages, and cultures that are ever more interconnected.

This priority both supports the teacher training purpose of the NRC Program and contributes to the vision for teaching and leading reflected in the Department's Blueprint for Recognizing Educational Success, Professional Excellence, and Collaborative Teaching (RESPECT), which aims, among other things, to elevate and transform teaching and learning so that all students are prepared to meet the demands of the 21st century. Research compiled during the preparation of the RESPECT blueprint concluded that students with effective teachers perform at higher levels, and have higher graduation rates, higher college-going rates, higher levels of civic participation, and higher lifetime earnings. The research also concluded that attracting a high-performing and diverse pool of talented individuals to become teachers is a critical priority (*http://www2.ed.gov/documents/respect/blueprint-for-respect.pdf*).

This priority would promote the increased integration of international, intercultural, and global perspectives in teacher education and would enhance the capabilities of teachers to provide instruction in foreign languages and international and area studies.

The priorities are: *Proposed Priority 1:* Applications that propose significant and sustained collaborative activities with a Minority-Serving Institution (MSI) (as defined in this notice) or a community college (as defined in this notice). These activities must be designed to incorporate international, intercultural, or global dimensions into the curriculum of the MSI or community college, and to improve foreign language, area, and international studies or international business instruction on the MSI or community college campus.

For the purpose of this priority:

Community college means an institution that meets the definition in section 312(f) of the HEA (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA (20 U.S.C. 1001)) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution means an institution that is eligible to receive assistance under sections 316 through 320 of part A of Title III, under part B of Title III, or under Title V of the HEA.

Proposed Priority 2: Applications that propose collaborative activities with schools or colleges of education to support the integration of an international, intercultural, or global dimension and world languages into teacher education and to promote the preparation and credentialing of more foreign language teachers in less commonly taught languages.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c) (2) (i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c) (2) (ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c) (1)).

Final Priorities:

We will announce the final priorities in a notice in the **Federal Register**. We will determine the final priorities after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use one or more of these priorities we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this proposed regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these proposed priorities only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the PRA (44 U.S.C. 3506(c)(2)(A)). The Department plans to revise the information collection for the NRC Program by including more detailed guidance to assist applicants in responding to the Impact and Evaluation selection criterion in §§ 656.21 and 656.22 of the NRC Program regulations and by requiring a new performance measure form (PMF). The PMF will require applicants to identify project goals and project-specific measures for the NRC Program project they propose to conduct. Information will also be provided on how applicants, should they become grantees, will meet and report on the Government Performance and Results Act (GPRA) measures that have been developed for the NRC Program.

The IFLE Office developed this PMF so that applicants may propose projects with high-quality implementation plans at the outset and will require them to lay a stronger foundation for reporting progress and performance results. Additionally, the form will provide the Department information that is more useful and valid in demonstrating to Congress and other stakeholders the impact of NRC projects.

And finally, the PMF is designed to provide a standardized format that applicants can use to present performance information in their applications. The PMF requests the following: (a) Project goal statement; (b) Performance measure; (c) Project activity; (d) Data/Indices; (e) Frequency of collection; (f) Data source; and (g) Baseline and targets.

We will also include in the information collection detailed guidance on how applicants can respond to the ''Impact and Evaluation'' criterion in a more comprehensive and compelling manner.

In order to mitigate against a significant increase in respondent burden, applicants will be required to complete only items (a), (b), and (c) on the PMF when they submit their FY 2014 grant applications. If the application is recommended for funding, we will require the submission of fully completed forms.

We anticipate that the Impact and Evaluation narrative and the PMFs may result in some additional time requirements in the application preparation, but will reduce the total burden hours for performance reporting because the form is designed to facilitate data collection and reporting. We expect the new evaluation plan for this information collection will increase the applicant burden by an estimated 50 hours per response for a total burden of 450 hours per response. We believe that this additional time will improve the quality of the submitted applications and subsequently improve the application review, grant making, and performance reporting processes. When the awards are made, grantees will already be fully aware of the reporting requirements.

If you want to comment on the proposed information collection requirements, please send your comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for U.S. Department of Education. Send these comments by email to *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974. You may also send a copy of these comments to the Department contact named in the **ADDRESSES** section of this preamble or submit electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID ED–2014–OPE–0038.

Please be advised that the public comment period for submitting comments on the notice of proposed priorities (NPP) is the same for submitting comments on the information collection (IC); therefore, use the NPP Docket number as the identifier for both sets of comments. You may, however, submit the NPP comments and the IC comments separately in the regulations.gov site.

We have prepared an ICR for this collection. In preparing your comments you may want to review the ICR, which

is available at *www.reginfo.gov.* Click on Information Collection Review. This proposed collection is identified as proposed collection 1840–0807 ED–2014–OPE–0038.

We consider your comments on this proposed collection of information in—

- Deciding whether the proposed collection is necessary for the proper performance of our functions, including whether the information will have practical use;
- Evaluating the accuracy of our estimate of the burden of the proposed collection, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the Information we collect; and
- Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives your comments by April 17, 2014. This does not affect the deadline for your comments to us on the proposed regulations.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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 program 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.

Dated: March 13, 2014.

Lynn B. Mahaffie,

Senior Director, Policy Coordination, Development, and Accreditation Service, delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–05927 Filed 3–17–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED–2014–OPE–0035; CFDA Number: 84.015B.]

Proposed Priority—Foreign Language and Area Studies Fellowships (FLAS) Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Proposed priority.

SUMMARY: The Acting Assistant Secretary for Postsecondary Education proposes a priority for the FLAS Program administered by the International and Foreign Language Education (IFLE) Office. The Acting Assistant Secretary may use this priority for competitions in fiscal year (FY) 2014 and later years.

DATES: We must receive your comments on or before April 17, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to the site?''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202–2700.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Kate Maloney. Telephone: (202) 502–7509 or by email: *Kate.Maloney@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. To ensure that your comments have maximum effect in developing the final priority, we urge you to identify clearly the part of the priority your comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all comments about this notice in Room 6083, 1990 K St. NW., 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. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The purpose of the FLAS Fellowships Program is to provide allocations of academic year and summer fellowships to institutions

of higher education or consortia of institutions of higher education to assist meritorious undergraduate students and graduate students undergoing training in modern foreign languages and related area or international studies.

Program Authority: 20 U.S.C. 1122.

Applicable Program Regulations: 34 CFR parts 655 and 657.

Proposed Priorities: This notice contains one proposed priority.

Background: The Department proposes a priority for FLAS institutional applications that would, when awarding fellowships, give competitive preference to students who demonstrate financial need determined in accordance with Part F of title IV of the Higher Education Act of 1965, as amended (HEA). This proposed priority would give FLAS institutions an incentive to award fellowships to those meritorious students who would most benefit from financial relief. By providing FLAS fellowships to qualified scholars who lack the financial means to pursue this rigorous training without incurring significant debt, the FLAS Program will contribute to lowering postsecondary education costs for worthy students seeking to become language and area studies experts in the United States.

Applicant institutions addressing the priority would describe a two-tier selection process. From all of the student fellowship applications submitted, the institution would first select a pool of qualified applicants based strictly on merit, as defined in § 657.3 of the FLAS Program regulations. From this pool of qualified applicants, the institution could then give competitive preference to students who demonstrate financial need as defined in Part F of title IV of the HEA.

Proposed Priority: Applications that give preference to students who demonstrate financial need as defined in Part F of title IV of the Higher Education Act of 1965, as amended (HEA), when awarding fellowships. The applicant must describe how it will ensure that all FLAS fellows who receive such preference show potential for high academic achievement based on such indices as grade point average, class ranking, or similar measures that the institution may determine.

Types of Priorities: When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priorities: We will announce the final priorities in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this proposed priority only upon a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the PRA (44 U.S.C. 3506(c)(2)(A)).

The information collection for the FLAS Program will be revised to include an evaluation guide that provides applicants with more substantive guidance on how to respond, in a more compelling manner, to the Impact and Evaluation selection criterion found in section 657.21 of the FLAS Program regulations. The guide also includes instructions for completing the new performance measure forms (PMFs) that applicants are required to include in their submitted proposals. For each project element that applicants propose to evaluate during the project period, they must include a performance measure form indicating the project-specific measure for that element.

The IFLE Office developed the PMF so that applicants can include measurable outcomes for their FLAS projects, based on the goals and objectives they intend to accomplish. The PMF is designed to help applicants to develop a more cohesive evaluation plan focusing the applicant's attention on specific benchmarks and indicators that will better demonstrate their progress toward achieving their goals and objectives. The PMF should assist applicants in proposing high-quality implementation plans at the outset for reporting progress and performance results. Additionally, the information and data collected via the forms will enable the Department to provide Congress and other stakeholders with more concrete evidence to demonstrate the impact of FLAS projects. And finally, the PMF is designed to provide a universal format that applicants can use to present the performance information in their applications. The PMF requests the following: (a) Project goal statement; (b) Performance measure; (c) Project activity; (d) Data/Indices; (e) Frequency of collection; (f) Data source; and, (g) Baseline and targets.

In order to mitigate against increasing respondent burden, applicants will be required to complete only items (a), (b), and (c) on the PMF when they submit their FY14 grant applications. If the application is recommended for funding, we will require the submission of fully completed forms. The Department estimates that the application, expanded evaluation criterion guidance, and the PMF will require an estimated 500 hours to complete. This represents an additional time burden of 100 hours over the 2010 application.

If you want to comment on the proposed information collection requirements, please send your comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for U.S. Department of Education. Send these comments by email to OIRA *DOCKET@omb.eop.gov* or by fax to (202) 395–6974. You may also send a copy of these comments to the Department contact named in the **ADDRESSES** section of this preamble or submit electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID ED–2014–OPE–0035.

Please be advised that the public comment period for submitting comments on the notice of proposed priorities (NPP) is the same for submitting comments on the information collection (IC); therefore, use the NPP Docket number as the identifier for both sets of comments. You may, however, submit the NPP comments and the IC comments separately in the regulations.gov site.

We have prepared an ICR for this collection. In preparing your comments you may want to review the ICR, which is available at *www.reginfo.gov.* Click on Information Collection Review. This proposed collection is identified as proposed collection 1840–0807 ED–2014–OPE–0035.

We consider your comments on this proposed collection of information in—

- Deciding whether the proposed collection is necessary for the proper performance of our functions, including whether the information will have practical use;
- Evaluating the accuracy of our estimate of the burden of the proposed collection, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the information we collect; and
- Minimizing the burden on those who must respond.

This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives your comments by April 17, 2014. This does not affect the deadline for your comments to us on the proposed regulations.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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 program 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.

Dated: March 12, 2014.

Lynn B. Mahaffie,

Acting Deputy Assistant Secretary for Policy, Planning, and Innovation, delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–05863 Filed 3–17–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED–2014–OPE–0034; CFDA Number: 84.220A.]

Proposed priorities—Centers for International Business Education (CIBE) Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Proposed priorities.

SUMMARY: The Acting Assistant Secretary for Postsecondary Education proposes priorities for the CIBE Program administered by the International and Foreign Language Education office (IFLE). The Acting Assistant Secretary may use these priorities for competitions in fiscal year (FY) 2014 and later years.

DATES: We must receive your comments on or before April 17, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to the site?''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202–2700.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov*. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Timothy Duvall

Telephone: (202) 502–7622 or by email: *timothy.duvall@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 these priorities. To ensure that your comments have maximum effect in developing the final priorities, we urge you to identify clearly the specific proposed priority that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from these proposed priorities. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all comments about this notice in Room 6069, 1990 K St. NW., 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. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The purpose of the CIBE Program is to provide funding to schools of business for curriculum development, research, and training on issues of importance to U.S. trade and competitiveness.

Program Authority: 20 U.S.C. 1130–1.

Proposed Priorities: This notice contains two proposed priorities.

Background:

We are proposing two priorities. The first addresses a need to prepare international business students to enter the workforce more readily and the second addresses a gap in the types of institutions, faculty, and students that have historically benefitted from the instruction, training, and outreach available at centers for international business education.

We first propose a priority for applicants that propose to collaborate with one or more professional associations and/or businesses on activities designed to expand employment opportunities for international business students, such as internships and work-study opportunities. In order to meet this proposed priority, an applicant must propose to collaborate with one or more professional associations, businesses, or firms on activities designed to expand employment opportunities for international business students, such as internships and work/study opportunities.

The proposed priority encourages collaborative activities between CIBEs and international businesses or professional associations to create meaningful internship opportunities for students that will enhance their employment prospects. Internship opportunities that integrate classroom learning with real work experience are often the result of intentional and collaborative efforts between universities and industries. Meaningful internship experiences enhance graduates' prospects for meaningful employment, and they lead to graduates who are better able to apply their learning in the workplace, earn a salary that enables them to be self-supporting, and repay their loans rather than incurring further debt. Moreover, students with international business experience are better prepared to contribute to the work of their employers, which will enhance the ability of United States' businesses to prosper in an international economy.

We propose a second priority for applications that propose collaborative activities with a Minority-Serving Institution (MSI) or a community college. Currently the Centers for International Business Education collaborate with MSIs and community colleges only ad hoc. This, however, limits the extent to which the instruction, training, and professional development resources are regularly available to and accessed by students and faculty at MSIs and community colleges. We believe that by requiring CIBE institutions and MSIs and community colleges to jointly plan, conduct, and implement activities, the international programming, student instruction, career advising, and faculty development opportunities on all campuses will be strengthened and expanded. These collaborations also enhance institutional capacity to recruit students into international business training.

We believe that by specifying the types of institutional collaborations that the CIBEs must engage in, and the types of collaborative activities they must conduct, the activities are more likely both to have a meaningful and

measurable effect on students and faculty at MSIs and community colleges and be institutionalized and sustained. We also believe that successful institutional collaborations of this nature will increase the access of traditionally underserved populations to opportunities for international business learning and the visibility of international business programs and activities on the campuses of MSIs and community colleges.

For this priority, we propose a definition of ''Minority-Serving Institution'' that would include institutions eligible to receive assistance under §§ 316 through 320 of part A of Title III, under part B of Title III, or under Title V of the HEA.

The Department would use this definition because both Title III and Title V programs target college student populations that are underrepresented in international education. The Department would like to increase the representation of these groups through collaborations between Title III/Title V institutions and Title VI institutions.

Title III reflects our national interest to provide support to those institutions of higher education that serve low-income and minority students so that equality of access and quality of postsecondary education opportunities may be enhanced for all students. Under the Title III, institutions may receive designation of eligibility depending on their submitted institutional evidence documenting their student demographic data.

Title V targets Hispanic-Serving Institutions because of the high percentage of Hispanic Americans who are at risk of not enrolling in or graduating from institutions of higher education. The law was designed to reduce disparities between the enrollment of non-Hispanic white students and Hispanic students in postsecondary education, which continue to rise.

We propose a definition of ''community college'' for use with this priority that is broader than the definition in the HEA. The definition of ''junior or community college'' in section 312(f) of the HEA (20 U.S.C. 1058(f)) excludes institutions that award bachelor's and graduate degrees. For the purpose of this priority, we propose to include in the definition of ''community college'' institutions that offer bachelor's or graduate degrees if more than 50 percent of the degrees and certificates they award are degrees and certificates that are not bachelor's or graduate degrees. We propose this definition to include institutions that serve significant numbers of students enrolled in programs traditionally offered by community colleges, such as associate degree and certificate programs.

The priorities are:

Proposed Priority 1: Applications that propose to collaborate with one or more professional associations and/or businesses on activities designed to expand employment opportunities for international business students, such as internships and work-study opportunities.

Proposed Priority 2: Applications that propose significant and sustained collaborative activities with a Minority-Serving Institution (as defined in this notice) or a community college (as defined in this notice). These activities must be designed to incorporate international, intercultural, or global dimensions into the business curriculum of the MSI or community college. For the purpose of this priority:

Community college means an institution that meets the definition in section 312(f) of the HEA (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA (20 U.S.C. 1001)) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution means an institution that is eligible to receive assistance under sections 316 through 320 of part A of Title III, under part B of Title III, or under Title V of the HEA.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priorities:

We will announce the final priorities in a notice in the **Federal Register**. We will determine the final priorities after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use one or more of these priorities, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these proposed priorities only upon a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Paperwork Reduction Act of 1995

The proposed priority will require minor changes to an information collection already approved by the Office of Management and Budget (OMB) under OMB control number 1840–0616. In addition, the Department has developed new Government Performance and Results Act (GPRA) measures for this program, which will result in significant changes and increased burden hours for this collection. As required by the PRA, the Department is submitting 1840–0616 to OMB for a revised information collection clearance concurrently with the publication of this notice of proposed priority and definition.

This new information collection for the CIBE Program will include an evaluation guide that provides applicants with more substantive guidance on how to respond in a more compelling manner to the Impact and Evaluation selection criterion. The guide also will include instructions for completing the new performance measure forms (PMFs) that applicants are required to include in their submitted proposals. For each project element that applicants propose to evaluate during the project period, they must include a performance measure form indicating the project-specific measure for that element.

The IFLE Office developed the PMF so that applicants can include measurable outcomes for their CIBE projects, based on the goals and objectives they intend to accomplish. The PMF is designed to help applicants to develop a more cohesive evaluation plan focusing the applicant's attention on specific benchmarks and indicators that will better demonstrate their progress toward achieving their goals and objectives. The PMF should assist applicants in proposing high-quality implementation plans at the outset for reporting progress and performance results. Additionally, the information and data collected via the forms will enable the Department to provide Congress and other stakeholders with more concrete evidence to demonstrate the impact of CIBE projects. And finally, the PMF is designed to provide a universal format that applicants can use to present the performance information in their applications. The PMF requests the following: (a) Project goal statement; (b) Performance measure; (c) Project activity; (d) Data/Indices; (e) Frequency of collection; (f) Data source; and, (g) Baseline and targets.

In order to mitigate against increasing respondent burden, applicants will be required to complete only items (a), (b), and (c) on the PMF when they submit their FY14 grant applications. If the application is recommended for funding, we will require the submission of fully-completed forms.

The estimated increase in burden hours for CIBE applicants in responding to the new information collection is 100 hours for a new total of 500 hours.

If you want to comment on the proposed information collection requirements, please send your comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for U.S. Department of Education. Send these comments by email to *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974. You may also send a copy of these comments to the Department contact named in the **ADDRESSES** section of this preamble or submit electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID ED–2014–OPE–0034.

Please be advised that the public comment period for submitting comments on the notice of proposed priorities (NPP) is the same for submitting comments on the information collection (IC); therefore, use the NPP Docket number as the identifier for both sets of comments. You may, however, submit the NPP comments and the IC comments separately in the regulations.gov site.

We have prepared an ICR for this collection. In preparing your comments you may want to review the ICR, which is available at *www.reginfo.gov.* Click on Information Collection Review. This proposed collection is identified as proposed collection 1840–0616 ED–2014–OPE–0034.

We consider your comments on this proposed collection of information in—

- Deciding whether the proposed collection is necessary for the proper performance of our functions, including whether the information will have practical use;
- Evaluating the accuracy of our estimate of the burden of the proposed collection, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the Information we collect; and
- Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives your comments by April 17, 2014. This does not affect the deadline

for your comments to us on the proposed regulations.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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 program 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.

Dated: March 13, 2014.

Lynn B. Mahaffie,

Senior Director, Policy Coordination, Development, and Accreditation Service, delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–05941 Filed 3–17–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED–2014–OPE–0036; CFDA Number: 84.016A.]

Proposed Priority—Undergraduate International Studies and Foreign Language (UISFL) Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Proposed priority.

SUMMARY: The Acting Assistant Secretary for Postsecondary Education proposes a priority for the UISFL Program administered by the International and Foreign Language Education (IFLE) Office. The Acting Assistant Secretary may use this priority for competitions in fiscal year (FY) 2014 and later years. We take this action to focus Federal financial assistance on an identified national need. We intend the priority to address a gap in the types of institutions, faculty and students that have historically benefited from international education opportunities.

DATES: We must receive your comments on or before April 17, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to the site?''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202–2700.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Tanyelle Richardson Telephone: (202) 502–7626 or by email: *Tanyelle.Richardson@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 priority. To ensure that your comments have maximum effect in developing the final priority, we urge you to identify clearly the specific proposed priority or definition that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all comments about the proposed priority in Room 6099, 1990 K St. NW., 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. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The purpose of the Undergraduate International Studies and Foreign Language (UISFL) Program is to provide grants for planning, developing, and carrying out programs to strengthen and improve undergraduate instruction in international studies and foreign languages.

Program Authority: 20 U.S.C. 1124.

Applicable Program Regulations: 34 CFR parts 655 and 658.

Proposed Priority: This notice contains one proposed priority.

Background:

Through the UISFL Program, the Department makes awards to institutions of higher education, consortia of institutions of higher education, partnerships between nonprofit educational organizations and institutions of higher education, or public and private nonprofit agencies and organizations, including professional and scholarly associations, to plan, develop, and carry out programs to strengthen and improve undergraduate instruction in international studies and foreign languages.

The objective of the UISFL Program is to develop and improve undergraduate curricula, programs, courses, and

materials in international studies and foreign languages.

The Department proposes a priority for UISFL applications from Minority-Serving Institutions (MSIs)(as defined in this notice) or community colleges (as defined in this notice), whether individually or as part of a consortium. If the MSI or community college is the lead applicant for a consortium, the application will receive a greater number of points under this priority than it would if the MSI or community college is a partner in a consortia application and not the lead applicant.

This priority aims to increase the number of MSIs and community colleges that become grantees under this program, in order to increase their students' access to academic coursework and instructional activities and training that would better prepare them for the 21st century global economy, careers in international service, and for lifelong engagement with the diverse communities in which they will live, whether at home or abroad. It also aims to increase the access of students attending MSIs and community colleges to academic coursework, instructional activities and training related to foreign language and international studies, ultimately increasing access to careers in international fields for these students. The Department's ''International Strategy'' expresses the importance of strengthening ''the global competencies of all U.S. students, including those from traditionally disadvantaged groups.'' Community colleges and MSIs are heavily populated by students from traditionally disadvantaged groups. Currently, opportunities for international studies, foreign language learning, study abroad and other international studies and activities tend to be more limited at two-year institutions than at four-year institutions. In addition, community colleges and MSIs account for a small percentage of all grant recipients in programs funded under title VI of the Higher Education Act of 1965, as amended (HEA). Targeting outreach to these institutions will expand the reach of the UISFL program to traditionally disadvantaged groups.

For this priority, we propose a definition of ''Minority-Serving Institution'' that includes institutions eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA.

The Department proposes to use this definition because both title III and title V programs target college student populations that are underrepresented in international education.

Title III of the HEA reflects our national interest in supporting those institutions of higher education that serve low-income and minority students so that access to, and quality of, postsecondary education opportunities may be enhanced for all students. Under title III of the HEA, institutions may receive a designation of eligibility depending on their submitted institutional evidence documenting their students' income and demographic data.

Title V of the HEA targets Hispanic-Serving Institutions because of the large percentage of Hispanic Americans who are at high risk of not enrolling or not graduating from institutions of higher education. The law was designed to reduce the disparity between the enrollment of non-Hispanic white students and Hispanic students in postsecondary education, which continues to rise.

We also propose a definition of ''community college'' that is broader than the definition in the HEA. The proposed definition of ''community college'' in this notice includes some institutions that award bachelor's and graduate degrees. The definition of ''junior or community college'' in section 312(f) of the HEA (20 U.S.C. 1058(f)) excludes such institutions. The Department proposes this definition so that institutions that offer bachelor's or graduate degrees are eligible to apply for funding under this program, but only if more than 50 percent of the degrees they award are degrees and certificates that are not bachelor's or graduate degrees. The Department proposes this definition in order to include institutions that serve significant numbers of students enrolled in programs traditionally offered by community colleges, such as associate degree and certificate programs.

Proposed Priority: Applications from Minority-Serving Institutions (MSIs) (as defined in this notice) or community colleges (as defined in this notice), whether as individual applicants or as part of a consortium.

An application from a consortium that has an MSI or community college as the lead applicant will receive more points under this priority than applications where the MSI or community college is a partner in the consortium but not the lead applicant.

A consortium must undertake activities designed to incorporate foreign languages into the curriculum of the MSI or community college and to improve foreign language and international or area studies instruction on the MSI or community college campus.

For the purpose of this priority:

Community college means an institution that meets the definition in section 312(f) of the HEA (20 U.S.C. 1058(f)); or, an institution of higher education (as defined in section 101 of the HEA (20 U.S.C. 1001)) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent), or master's, professional, or other advanced degrees.

Minority-Serving Institution (MSI) means an institution that is eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) Awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) Selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priority:

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use the priority we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing the proposed priority only upon a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the PRA (44 U.S.C. 3506 (c)(2)(A)).

The Department plans to revise the information collection for the UISFL Program by including more detailed guidance to assist applicants in responding to the Plan of Evaluation selection criterion found in sections 655.31 and 669.21; and, by requiring one new performance measure form (PMF). The PMF will require applicants to identify project goals and project-specific measures for the UISFL project they propose to conduct. Information will also be provided on how applicants, should they become grantees, will meet and report on the Government Performance and Results Act (GPRA) measures that have been developed for the UISFL Program. The IFLE Office developed this PMF so that applicants may propose projects with high-quality implementation plans at the outset and that will require them to lay a stronger foundation for reporting progress and performance results. Additionally, the form will give the Department the capacity to collect and analyze information that is more useful and valid in demonstrating to Congress and other stakeholders the impact of these programs on the entities they serve. This form may result in some additional time requirements in the application preparation, but will reduce the total burden hours for future grantee reporting as the templates are designed for easy data collection and reporting. This form also facilitates the process of developing a sound evaluation plan during the application phase of the process.

The Plan of Evaluation criterion in the UISFL Program regulations evaluates ''the quality of the evaluation plan for the project,'' and provides that ''the methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable'' among other factors. The detailed guidance that the Department will include in the information collection (application) advises applicants on how to respond to this criterion in a more comprehensive and compelling manner.

In order to standardize the kind of performance data to be requested from applicants, the Department developed a project-specific PMF and a GPRA PMF. These forms contain the same elements: (a) Project goal statement; (b) Performance measure; (c) Project activity; (d) Data/Indicators; (e) Frequency of collection; (f) Data source; and (g) Baseline and targets, but the purposes for the forms differ.

Applicants will submit a project-specific form for each project-specific goal that the institutions have deemed as important to the proposed UISFL project. For that reason, the total number of project-specific PMFs in each application will vary. Applicants will also be provided with a sample GPRA PMF for reference purposes.

The Department expects the new evaluation plan for this information collection will increase the applicant burden by an estimated 10 hours per response for a total burden of 110 hours. The Department believes that this additional time will improve the quality of the submitted applications, and subsequently improve the application review, grant making, and performance

reporting processes. When awards are made, grantees will already be fully aware of reporting requirements.

If you want to comment on the proposed information collection requirements, please send your comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for U.S. Department of Education. Send these comments by email to *OIRA_DOCKET@omb.gov* or by fax to (202) 395–6974. You may also send a copy of these comments to the Department contact named in the **ADDRESSES** section of this preamble or submit electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–OPE–0036.

Please be advised that the public comment period for submitting comments on the notice of proposed priorities (NPP) is the same for submitting comments on the information collection (IC); therefore, use the NPP Docket number as the identifier for both sets of comments. You may, however, submit the NPP comments and the IC comments separately in the regulations.gov site.

We have prepared an ICR for this collection. In preparing your comments you may want to review the ICR, which is available at *www.reginfo.gov.* Click on Information Collection Review. This proposed collection is identified as proposed collection 1840–0796 ED–2014–OPE–0036.

We consider your comments on this proposed collection of information in—

- Deciding whether the proposed collection is necessary for the proper performance of our functions, including whether the information will have practical use;
- Evaluating the accuracy of our estimate of the burden of the proposed collection, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the Information we collect; and
- Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives your comments by April 17, 2014. This does not affect the deadline for your comments to us on the proposed regulations.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR Part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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 program 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.

Dated: March 12, 2014.

Lynn B. Mahaffie,

Senior Director, Policy Coordination, Development, and Accreditation Service, delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–05855 Filed 3–17–14; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[EPA–R09–0AR–2014–0120; FRL–9908–06–Region 9]

Clean Air Act Grant: South Coast Air Quality Management District; Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Action; determination with request for comments and notice of opportunity for public hearing.

SUMMARY: The Environmental Protection Agency (EPA) has made a proposed determination that the reduction in expenditures of non-Federal funds for the South Coast Air Quality Management District (SCAQMD) in support of its continuing air program under section 105 of the Clean Air Act (CAA), for the calendar year 2013 is a result of non-selective reductions in expenditures. This determination, when final, will permit the SCAQMD to receive grant funding for FY2014 from the EPA under section 105 of the Clean Air Act.

DATES: Comments and/or requests for a public hearing must be received by EPA at the address stated below by April 17, 2014.

ADDRESSES: Submit comments, identified by docket ID No. EPA–R09–OAR–2014–0120, by one of the following methods:

1. Federal Portal: *www.regulations.gov.* Follow the online instructions.
2. Email to: *lance.gary@epa.gov* or
3. Mail to: Gary Lance (Air-8), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

FOR FURTHER INFORMATION CONTACT: Gary Lance, EPA Region IX, Grants & Program Integration Office, Air Division, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972–3992, fax: (415) 947–3579 or email address at *lance.gary@epa.gov.*

SUPPLEMENTARY INFORMATION: Section 105 of the Clean Air Act (CAA) provides grant support for the continuing air programs of eligible state, local, and tribal agencies. In accordance with CAA section 105(a)(1)(A) and 40 CFR 35.145(a), the Regional Administrator may provide air pollution control agencies up to three-fifths of the approved costs of implementing programs for the prevention and control of air pollution. Section 105 contains two cost-sharing provisions which

recipients must meet to qualify for a CAA section 105 grant. An eligible entity must meet a minimum 40% match. In addition, to remain eligible for section 105 funds, an eligible entity must continue to meet the minimum match requirement as well as meet a maintenance of effort (MOE) requirement under section 105(c)(1) of the CAA and 40 CFR 35.146. Program activities relevant to the match consist of both recurring and non-recurring expenses. The MOE provision requires that a state or local agency spend at least the same dollar level of funds as it did in the previous grant year, but only for the costs of recurring activities. Specifically, section 105(c)(1) provides that ''no agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year.'' Pursuant to CAA section 105(c)(2), however, EPA may still award a grant to an agency not meeting the requirements of section 105(c)(1), ''if the Administrator, after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government.'' These statutory requirements are repeated in EPA's implementing regulations at 40 CFR 35.140 through 35.148. EPA issued additional guidance to recipients on what constitutes a nonselective reduction on September 30, 2011. In consideration of legislative history, the guidance clarified that a non-selective reduction does not necessarily mean that each Executive branch agency need be reduced in equal proportion. However, it must be clear to EPA, from the weight of evidence, that a recipient's CAA-related air program is not being disproportionately impacted or singled out for a reduction.

A section 105 recipient must submit a final financial status report no later than 90 days from the close of its grant period that documents all of its federal and non-federal expenditures for the completed period. The recipient seeking an adjustment to its MOE for that period must provide the rationale and the documentation necessary to enable EPA to make a determination that a nonselective reduction has occurred. In order to expedite that determination, the recipient must provide details of the budget action and the comparative fiscal impacts on all the jurisdiction's executive branch agencies, the recipient agency itself, and the agency's air program. The recipient should identify any executive branch agencies or programs that should be excepted from comparison and explain why. The recipient must provide evidence that the air program is not being singled out for a reduction or being disproportionately reduced. Documentation in two key areas will be needed: Budget data specific to the recipient's air program, and comparative budget data between the recipient's air program, the agency containing the air program, and the other executive branch agencies. EPA may also request information from the recipient about how impacts on its program operations will affect its ability to meet its CAA obligations and requirements; and documentation which explains the cause of the reduction, such as legislative changes or the issuance of a new executive order.

In FY2013, EPA awarded the SCAQMD $5,135,895, which represented approximately 5% of the SCAQMD budget. In FY–2014, EPA intends to award the SCAQMD an estimate of $5,039,863, which represents approximately 5% of the SCAQMD budget.

SCAQMD's final Federal Financial Report for FY–2012 indicated that SCAQMD's maintenance of effort (MOE) level was 108,291,832. SCAQMD's final Federal Financial Report for FY–2013 indicates that SCAQMD's maintenance of effort (MOE) level is at $105,096,053.

The projected MOE is not sufficient to meet the MOE requirements under the CAA section 105 because it is not equal to or greater than the MOE for the previous fiscal year. In order for the SCAQMD to be eligible to receive its FY2014 CAA section 105 grant, EPA must make a determination, after notice and an opportunity for a public hearing, that the reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of the South Coast Air Quality Management District. The shortfall stems from a decline of 8.9% in stationary sources revenue from FY2008–09 to FY2012–13, as reflected in the table below:

COMPARISON OF STATIONARY SOURCE REVENUES

Description	Actual FY 2008–09	Actual FY 2012–13	Difference
Stationary Source Revenues	$91,472,243	$83,307,359	($8,164,884)

The SCAQMD is a single-purpose agency whose primary source of funding is emission fee revenue. It is the ''unit of government for section 105 (c)(2) purposes.''

The decline in stationary source revenues would have been even more pronounced had it not been for the SCAQMD Governing Board-adopted fee increases totaling 7.9% over the last four years. The net loss of stationary revenues has given SCAQMD no choice but to reduce its budget and find less costly ways to meet its mandates. Over the past several years, actions were undertaken by SCAQMD to balance its budget by reducing overall expenditures, including deleting or not funding vacant positions, implementing a hiring freeze, enacting pension reform, reducing services and supplies expenditures, and utilizing reserves.

Since FY2009–10, SCAQMD has supplemented revenues with $27.4 million in reserves to balance the budget and meet program requirements.

In addition to the conditions described above, an increase in non-recurrent capital expenditures has also contributed to the decrease in the FY13 MOE level.

Based on: (1) SCAQMD's inability to levy taxes, (2) regulated and voluntary emissions reductions, (3) the general economic downturn, (4) voter approval of Proposition 26, (5) an overall decline in stationary source revenue, (6) expenditure cuts, (7) use of financial reserves to balance the budget, and (8) an increase in non-recurrent capital expenditures, the request for a reset of SCAQMD's MOE meets the criteria for a non-selective reduction determination.

Although SCAQMD receives less than 5 percent of its support from the section 105 grant, the loss of that funding would seriously impact SCAQMD's ability to carry out its clean air program. The revenue generated from Stationary Sources over the last 10 years is detailed below.

Year	Stationary sources
2003	62,835,710
2004	61,461,482

Year	Stationary sources
2005	64,613,635
2006	68,483,189
2007	75,200,253
2008	82,800,004
2009	91,472,243
2010	81,097,647
2011	78,787,371
2012	79,815,562
2013	83,307,359

The SCAQMD's MOE reduction resulted from a loss of revenues due to circumstances beyond its control. EPA proposes to determine that the SCAQMD lowering the FY2013 MOE level to $105,096,053 meets the CAA section 105(c) (2) criteria as resulting from a non-selective reduction of expenditures.

This notice constitutes a request for public comment and an opportunity for public hearing as required by the Clean Air Act. All written comments received by April 17, 2014 on this proposal will be considered. EPA will conduct a public hearing on this proposal only if a written request for such is received by EPA at the address above by April 17, 2014. If no written request for a hearing is received, EPA will proceed to the final determination. While notice of the final determination will not be published in the **Federal Register**, copies of the determination can be obtained by sending a written request to Gary Lance at the above address.

Dated: March 5, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2014–05906 Filed 3–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2013–0817; FRL–9908–01–Region 7]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Missouri State Implementation Plan (SIP) which were submitted to EPA on July 12, 2012. This submission revises two heavy duty diesel vehicle idling rules that are applicable in Kansas City and St. Louis. This revision provides clarity to the rules in the applicability section by listing owners and operators of passenger load/unload locations where commercial, public and institutional heavy-duty vehicles load or unload passengers. The affected parties were unintentionally omitted from the applicability section of the rule even though they are required to comply with the rule in the general provisions section. These revisions do not have an adverse affect on air quality. EPA's approval of these SIP revisions is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: Comment by April 17, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2013–0817, by mail to Paula Higbee, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Paula Higbee, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7028, or by email at *Higbee.paula@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: March 3, 2014.

Karl Brooks,

Regional Administrator, Region 7.

[FR Doc. 2014–05823 Filed 3–17–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[WC Docket No. 05–25, RM–10593; DA 14–302]

Special Access Proceeding; Comment Deadline Extended

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: In this document, the Wireline Competition Bureau (Bureau) extends the deadline for filing comments and reply comments on section IV.B of the Further Notice of Proposed Rulemaking in the special access proceeding. This extension is necessary to allow time for the Federal Communications Commission (Commission) to collect data on the special access market prior to the submission of comments and replies.

DATES: Comments for section IV.B are due on or before October 6, 2014, and reply comments are due on or before November 17, 2014.

ADDRESSES: You may submit comments identified by WC Docket No. 05–25 and RM–10593 by any of the following methods:

- Federal Communications Commission's Web site: *http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: William Layton, Pricing Policy Division, Wireline Competition Bureau, 202–418–0868 or *William.Layton@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's document, WC Docket No. 05–25, RM–10593; DA 14–302, released March 5, 2014. The full text of this document is available for public inspection and

copying during normal business hours in the FCC Reference Information Center, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this document and related Commission documents may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, via telephone at (202) 488–5300, via facsimile at (202)488–5563, or via email at the Commission's Web site at *http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-14-302A1.docx.*

Background

On December 11, 2012, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking requiring providers and purchasers of special access and certain entities providing ''best efforts'' service to submit data and information for a comprehensive evaluation of the special access market. In the Further Notice of Proposed Rulemaking (*FNPRM*), the Commission sought comment on possible changes to its rules for granting pricing flexibility for the special access services provided by incumbent local exchange carriers in price cap areas; the Commission invited interested parties to provide such comments after the Commission collected data for the market analysis to enable commenters to include analysis of such data in their comments. The Bureau has been working diligently to implement the data collection, which is subject to the Office of Management and Budget's (OMB) approval per the Paperwork Reduction Act (PRA). In July 2013, the Wireline Competition Bureau (Bureau) extended the deadlines for filing comments and reply comments regarding the rule changes to March 19, 2014, and April 30, 2014, respectively, ''so that parties may prepare their comments after the data are collected and made available for review.'' The Bureau expects to begin collecting data in summer, 2014, following OMB approval of the data collection.

Synopsis

The Wireline Competition Bureau (Bureau) extends the deadline for filing comments and reply comments on section IV.B of the *FNPRM,* 78 FR 2600, January 11, 2013, that was adopted on December 11, 2012 in the special access proceeding. Collection of the data is necessary before parties can comment on the questions posed in the *FNPRM.* Accordingly, we extend the deadline for filing comments and reply comments so that parties may prepare their comments after the data are collected and made available for review. The new comment date is October 6, 2014, and the new reply comment date is November 17, 2014.

Comment Filing Procedures

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121, May 1, 1998.

▪ Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*

▪ Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

The proceeding this Notice initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Federal Communications Commission.

Deena Shetler,

Associate Bureau Chief, Wireline Competition Bureau.

[FR Doc. 2014–05940 Filed 3–17–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 14–37; RM–11711; DA 14–276]

Radio Broadcasting Services; Haynesville, Louisiana

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a Petition for Rule Making filed by SSR Communications, Inc., permittee of FM Station KIMW, Channel 288A, Haynesville, Louisiana, proposing the allotment of Channel 286A to Haynesville, Louisiana, as a ''backfill'' allotment to prevent removal of Haynesville's potential first local service. A staff engineering analysis indicates that Channel 286A can be allotted to Haynesville consistent with the minimum distance separation requirements of the Commission's Rules with a site restriction 4.6 kilometers (2.9 miles) south of the community. The reference coordinates are 33–00–12 NL and 93–08–19 WL.

DATES: Comments must be filed on or before April 21, 2014, and reply comments on or before May 6, 2014.

ADDRESSES: Secretary, Federal Communications Commission (FCC), 445 12th Street SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Matthew K. Wesolowski, SSR Communications, Inc., 740 Highway 49 North, Suite R, Flora, MS 39071.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 14–37, adopted February 27, 2014, and released February 28, 2014. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or via email *www.BCPIWEB.com.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336 and 339.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by adding Channel 286A at Haynesville.

[FR Doc. 2014–05948 Filed 3–17–14; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 79, No. 52

Tuesday, March 18, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0028]

BASF Plant Sciences, LP; Determination of Nonregulated Status of Soybean Genetically Engineered for Resistance to the Herbicide Imidazolinone

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that a soybean event developed by BASF Plant Sciences, LP designated as BPS–CV127–9, which has been genetically engineered for resistance to treatment with imidazolinone herbicides, is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by BASF Plant Sciences, LP in its petition for a determination of nonregulated status, our analysis of available scientific data, and comments received from the public in response to our previous notices announcing the availability of the petition for nonregulated status and its associated environmental assessment and plant pest risk assessment. This notice also announces the availability of our written determination and finding of no significant impact.

DATES: *Effective Date:* March 18, 2014.

ADDRESSES: You may read the documents referenced in this notice and the comments we received at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0028* 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.

Supporting documents are also available on the APHIS Web site at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS Petition Number 09–015–01p.

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov*. To obtain copies of the supporting documents for this petition, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov*.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason To Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. APHIS received a petition (APHIS Petition Number 09–015–01p) from BASF Plant Sciences, LP (BASF) of Research Triangle Park, NC, seeking a determination of nonregulated status of soybean (*Glycine max*) designated as BPS–CV127–9 (CV127), which has been genetically engineered for resistance to the herbicide imidazolinone. The petition states that this soybean is unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

According to our process [1] for soliciting public comment when considering petitions for determinations of nonregulated status of genetically engineered (GE) organisms, APHIS accepts written comments regarding a petition once APHIS deems it complete. In a notice [2] published in the **Federal Register** on July 13, 2012, (77 FR 41363–41364, Docket No. APHIS–2012–0028), APHIS announced the availability of the BASF petition for public comment. APHIS solicited comments on the petition for 60 days ending on September 11, 2012, in order to help identify potential environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition.

APHIS received 75 comments on the petition. Several of these comments included electronic attachments consisting of a consolidated document of many identical or nearly identical letters, for a total of 4,676 comments. APHIS decided, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises substantive new issues. According to our public review process for such petitions (see footnote 1), APHIS first solicits written comments from the public on a draft environmental assessment (EA) and plant pest risk assessment (PPRA) for a 30-day comment period through the publication of a **Federal Register** notice. Then, after reviewing and evaluating the comments on the draft EA and PPRA and other information, APHIS revises the PPRA as necessary and prepares a final EA and, based on the final EA, a National Environmental Policy Act (NEPA) decision document (either a finding of no significant impact (FONSI) or a notice of intent to prepare an environmental impact statement). If a FONSI is reached, APHIS furnishes a

[1] On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice describing our public review process for soliciting public comments and information when considering petitions for determinations of nonregulated status for GE organisms. To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129*.

[2] To view the notice, the petition, the comments we received, and other supporting documents, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0028*.

response to the petitioner, either approving or denying the petition. APHIS also publishes a notice in the **Federal Register** announcing the regulatory status of the GE organism and the availability of APHIS' final EA, PPRA, FONSI, and our regulatory determination.

In a notice (see footnote 2) published in the **Federal Register** on November 7, 2013, (78 FR 66892–66893, Docket No. APHIS–2012–0028), APHIS announced the availability of a PPRA and a draft EA for public comment. APHIS solicited comments on the draft EA, the PPRA, and whether the subject soybeans are likely to pose a plant pest risk for 30 days ending on December 9, 2013. APHIS received 10 comments during the comment period. All comments submitted to the docket were carefully analyzed by APHIS. A number of these comments were generally opposed to GE organisms or the use of herbicide-resistant crops. Others had concerns about potential impacts associated with the herbicides used on GE crops. In general, commenters expressed their opposition to our determination of nonregulatory status but did not identify elements in the PPRA or EA that they perceived to be inadequate or provide any specific supporting evidence for their opposition. APHIS has addressed the issues raised during the comment period and has provided responses to these comments as an attachment to the FONSI.

National Environmental Policy Act

After reviewing and evaluating the comments received during the comment period on the draft EA and PPRA and other information, APHIS has prepared a final EA. The EA has been prepared to provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with the determination of nonregulated status of BASF's CV127 soybean. The EA was prepared in accordance with: (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on our EA, the response to public comments, and other pertinent scientific data, APHIS has reached a FONSI with regard to the preferred alternative identified in the EA (to make a determination of nonregulated status of BASF's CV127 soybean).

Determination

Based on APHIS' analysis of field and laboratory data submitted by BASF, references provided in the petition, peer-reviewed publications, information analyzed in the EA, the PPRA, comments provided by the public, and information provided in APHIS' response to those public comments, APHIS has determined that BASF's CV127 soybean is unlikely to pose a plant pest risk and therefore is no longer subject to our regulations governing the introduction of certain GE organisms.

Copies of the signed determination document, PPRA, final EA, FONSI, and response to comments, as well as the previously published petition and supporting documents, are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 12th day of March 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–06016 Filed 3–17–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0113]

Dow AgroSciences LLC; Availability of Petition for Determination of Nonregulated Status of Cotton Genetically Engineered for Resistance to 2,4–D and Glufosinate

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has received a petition from Dow AgroSciences LLC (DAS) seeking a determination of nonregulated status of cotton designated as DAS–8191Ø-7, which has been genetically engineered for resistance to the herbicides 2,4–D and glufosinate. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms and products. We are making the DAS petition available for review and comment to help us identify potential environmental and interrelated economic issues and impacts that the Animal and Plant Health Inspection Service may determine should be considered in our evaluation of the petition.

DATES: We will consider all comments that we receive on or before May 19, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0113-0001*.
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2013–0113, 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-2013-0113* 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.

The petition is also available on the APHIS Web site at: *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS petition number 13–262–01p.

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov*. To obtain copies of the petition, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov*.

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

APHIS has received a petition (APHIS Petition Number 13–262–01p) from Dow AgroSciences LLC (DAS) of Indianapolis, IN, seeking a determination of nonregulated status of cotton (*Gossypium hirsutum*) designated as DAS–8191Ø–7, which has been genetically engineered for resistance to certain broadleaf herbicides in the phenoxy auxin group (particularly the herbicide 2,4–D) and resistance to the herbicide glufosinate. The DAS petition states that information collected during field trials and laboratory analyses indicates that DAS–8191Ø–7 cotton is not likely to be a plant pest or result in weediness potential and therefore should not be a regulated article under APHIS' regulations in 7 CFR part 340.

As described in the petition, DAS developed DAS–8191Ø–7 cotton using *Agrobacterium*-mediated transformation to incorporate the aad–12 gene from *Delftia acidovorans* and the pat gene from *Streptomyces viridochromogenes* into cotton. The aad–12 gene encodes the enzyme aryloxyalkanoate dioxygenase-12 (AAD–12) which, when expressed in plants, degrades 2,4–D to herbicidally-inactive 2,4-dichlorophenol. The pat gene encodes the enzyme phosphinothricin acetyltransferase that inactivates glufosinate.

DAS has submitted information on the use of 2,4–D on DAS–8191Ø–7 cotton to the U.S. Environmental Protection Agency (EPA), which is responsible for evaluating and approving the use of any herbicides or pesticides on plants, including GE plants.[1]

Field tests conducted under APHIS oversight allowed for evaluation in a natural agricultural setting while imposing measures to minimize the risk of persistence in the environment after completion of the tests. Data are gathered on multiple parameters and used by the applicant to evaluate agronomic characteristics and product performance. These and other data are used by APHIS to determine if the new variety poses a plant pest risk.

Paragraph (d) of § 340.6 provides that APHIS will publish a notice in the **Federal Register** providing 60 days for public comment for petitions for a determination of nonregulated status. On March 6, 2012, we published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice[2] describing our process for soliciting public comment when considering petitions for determinations of nonregulated status for GE organisms. In that notice we indicated that APHIS would accept written comments regarding a petition once APHIS deemed it complete.

In accordance with § 340.6(d) of the regulations and our process for soliciting public input when considering petitions for determinations of nonregulated status for GE organisms, we are publishing this notice to inform the public that APHIS will accept written comments regarding the petition for a determination of nonregulated status from interested or affected persons for a period of 60 days from the date of this notice. The petition is available for public review and comment, and copies are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. We are interested in receiving comments regarding potential environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition. We are particularly interested in receiving comments regarding biological, cultural, or ecological issues, and we encourage the submission of scientific data, studies, or research to support your comments. We also request that, when possible, commenters provide relevant information regarding specific localities or regions as cotton growth, crop management, and crop utilization may vary considerably by geographic region.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. Any substantive issues identified by APHIS based on our review of the petition and our evaluation and analysis of comments will be considered in the development of our decisionmaking documents.

As part of our decisionmaking process regarding a GE organism's regulatory status, APHIS prepares a plant pest risk assessment to assess its plant pest risk and the appropriate environmental documentation—either an environmental assessment (EA) or an environmental impact statement (EIS)—in accordance with the National Environmental Policy Act (NEPA), to provide the Agency with a review and analysis of any potential environmental impacts associated with the petition request. For petitions for which APHIS prepares an EA, APHIS will follow our published process for soliciting public comment (see footnote 2) and publish a separate notice in the **Federal Register** announcing the availability of APHIS' EA and plant pest risk assessment. Should APHIS determine that an EIS is necessary, APHIS will complete the NEPA EIS process in accordance with Council on Environmental Quality regulations (40 CFR part 1500–1508) and APHIS' NEPA implementing regulations (7 CFR part 372).

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 12th day of March 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–06013 Filed 3–17–14; 8:45 am]

BILLING CODE 3410–34–P

[1] The roles of the Federal agencies responsible for regulating the safe use of GE organisms is described in a notice published in the **Federal Register** on June 26, 1986 (51 FR 23302). The notice may be viewed at *http://www.aphis.usda.gov/brs/fedregister/coordinated_framework.pdf*.

[2] To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129*.

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Scientific Advisory Committee

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) is giving notice of a meeting of the Census Scientific Advisory Committee (C–SAC). The C–SAC will meet in a plenary session on April 10–11, 2014. The Committee will address policy, research, and technical issues relating to a full range of Census Bureau programs and activities, including communications, decennial, demographic, economic, field operations, geographic, information technology, and statistics. Last minute changes to the agenda are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: April 10 and April 11, 2014. On April 10, the C–SAC meeting will begin at approximately 8:30 a.m. and adjourn at approximately 4 p.m. On April 11, the meeting will begin at approximately 8:30 a.m. and adjourn at approximately 1:30 p.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau Conference Center, 4600 Silver Hill Road, Suitland, Maryland 20746.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 8H182, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–6590. For TTY callers, please use the Federal Relay Service 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Members of the C–SAC are appointed by the Director, U.S. Census Bureau. The Committee provides scientific and technical expertise, as appropriate, to address Census Bureau program needs and objectives. The Committee has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10).

The meeting is open to the public, and a brief period is set aside for public comments and questions on April 11, 2014. Persons with extensive questions or statements must submit them in writing at least three days before the meeting to the Committee Liaison Officer named above. If you plan to attend the meeting, please register by Thursday, March 27, 2014. You may access the online registration form with the following link: *http://www.regonline.com/csac_meeting_april2014*. Seating is available to the public on a first-come, first-served basis.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Committee Liaison Officer as soon as known, and preferably two weeks prior to the meeting.

Due to increased security and for access to the meeting, please call 301–763–9906 upon arrival at the Census Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor's badge. Visitors are not allowed beyond the first floor.

Topics to be discussed:

- 2014 Census Test
- Census Internet Data Collection
- American Community Survey: Content Review
- Computational Infrastructure
- 2020 Census Update

Dated: March 12, 2014.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2014–05914 Filed 3–17–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–97–2013]

Foreign-Trade Zone 3—San Francisco, California, Authorization of Limited Production Activity, Phillips 66 Company, (Oil Refining/Blending), Rodeo, California

On November 12, 2013, the San Francisco Port Commission, grantee of FTZ 3, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Phillips 66 Company, within Subzone 3E, in Rodeo, California.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (78 FR 69815 November 21, 2013). The FTZ Board has determined that further review of part of the proposed activity is warranted at this time. The production activity described in the notification is authorized on a limited basis, subject to the FTZ Act and the Board's regulations, including Section 400.14, and further subject to a restriction requiring that all biodiesel and renewable diesel products be admitted to the zone in domestic (duty-paid) status (19 CFR 146.43) and to the standard oil refining restrictions listed below:

1. Foreign status (19 CFR 146.41, 146.42) products consumed as fuel for the refinery shall be subject to the applicable duty rate.
2. Privileged foreign status (19 CFR 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that non-privileged foreign (NPF) status (19 CFR 146.42) may be elected on the refinery inputs, not containing biodiesel or renewable diesel products: Crude oil (Testing done under, at or above 25 degrees API) (HTSUS 2709.00); hydrocracker feed (HTSUS 2710.19); decant oil (fuel oil; slurry oil; testing under 25 degrees API) (HTSUS 2710.19); alkylates (HTSUS 2710.12); combined heavy unicrackate (light distillate from hydrocracker) (HTSUS 2710.19); combined U250 Feed (ULSD unit feed) (HTSUS 2710.19); naphtha (HTSUS 2710.12); and, pressure distillate (distillate oil with average gravity of 54.8) (HTSUS 2710.12 and HTSUS 2710.19) which are used in the production of:
   - —petrochemical feedstocks and refinery by-products (Examiner's Recommendation, Appendix ''D'');
   - —products for export;
   - —and, products eligible for entry under HTSUS 9808.00.30 and 9808.00.40 (U.S. Government purchases).

Dated: March 12, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–05970 Filed 3–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–24–2014]

Foreign-Trade Zone 60—Nogales, Arizona; Application for Reorganization and Expansion under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Nogales-Santa Cruz Economic Development Foundation, Inc., grantee of FTZ 60, requesting authority to reorganize and expand the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on March 12, 2014.

FTZ 60 was approved by the FTZ Board on October 15, 1980 (Board Order 164, 45 FR 70037, October 22, 1980) and the grant of authority for the zone was transferred from Border Industrial Development, Inc., to the Nogales-Santa Cruz Economic Development Foundation, Inc., on September 24, 1993 (Board Order 659, 58 FR 51614, October 4, 1993).

The current zone includes the following sites: *Site 1* (21 acres)—Nogales West Customs Compound, adjacent to the border crossing at 200 North Mariposa Road, Nogales; *Site 2* (7 acres)—North Industrial Park, 1480 North Industrial Park Drive, Nogales; and, temporary *Site 3* (5 acres)—BD Medical, 745 North Target Range Road, Nogales.

The grantee's proposed service area under the ASF would be all of Santa Cruz County, Arizona, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the Nogales-Mariposa U.S.

Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone project to include existing Site 1 and Site 2 as ''magnet'' sites. The applicant is also requesting to expand the zone to include temporary Site 3 as a usage-driven site.

In accordance with the FTZ Board's regulations, Christopher Kemp of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is May 19, 2014. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 2, 2014.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Christopher Kemp at *Christopher.Kemp@trade.gov* or (202) 482–0862.

Dated: March 12, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–05968 Filed 3–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–844]

Narrow Woven Ribbons With Woven Selvedge From Taiwan: Rescission, in Part, of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATED: *Effective Date:* March 18, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth Eastwood or David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, formerly Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3874 and (202) 482–3693, respectively.

Background

On September 3, 2013, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the antidumping duty order on narrow woven ribbons with woven selvedge from Taiwan covering the period September 1, 2012, through August 31, 2013.[1] The Department received a timely request for an antidumping duty administrative review from the petitioner, Berwick Offray LLC and its wholly-owned subsidiary Lion Ribbon Company, Inc., for the following companies: (1) Apex Trimmings Inc. d/b/a Papillon Ribbon & Bow (Canada) (Apex Trimmings); (2) Cheng Hsing Ribbon Factory (Cheng Hsing); (3) Hen Hao Trading Co. Ltd. a.k.a. Taiwan Tulip Ribbons and Braids Co. Ltd. (Hen Hao); (4) Hubscher Ribbon Corp., Ltd. d/b/a Hubschercorp (Hubschercorp); (5) King Young Enterprises Co., Ltd. (King Young); (6) Multicolor; (7) Papillon Ribbon & Bow (H.K.) Ltd. (Papillon (H.K.)); (8) Papillon Ribbon & Bow (Shanghai) Ltd. (Papillon (Shanghai)); (9) Roung Shu Industry Corporation (Roung Shu); (10) Shienq Huong Enterprise Co., Ltd./Hsien Chan Enterprise Co., Ltd./Novelty Handicrafts Co., Ltd. (the Shienq Huong Group);[2] (11) Yama Ribbons and Bows Co., Ltd. (Yama Ribbons and Bows); (12) Yangzhou Bestpak Gifts & Crafts Co., Ltd. (Yangzhou Bestpak); and (13) Yu Shin Development Co. Ltd. (Yu Shin). On November 8, 2013, the Department published a notice of initiation of administrative review with respect to these companies.[3] On January 30, 2014, the petitioner withdrew its request for an administrative review for the following companies: (1) Apex Trimmings; (2) Cheng Hsing; (3) Hubschercorp; (4) Multicolor; (5) Papillon (H.K.); (6) Papillon (Shanghai); (7) Roung Shu; (8) the Shienq Huong Group; (9) Yama Ribbons and Bows; (10) Yangzhou Bestpak; and (11) Yu Shin.

Rescission, In Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The petitioner's withdrawal of its request was submitted within the 90-day period and, thus, is timely. Because the petitioner's withdrawal of request for an antidumping duty administrative review is timely and because no other party requested a review of the companies listed above, in accordance with 19 CFR 351.213(d)(1), we are rescinding this administrative review with respect to the following companies: (1) Apex Trimmings; (2) Cheng Hsing; (3) Hubschercorp; (4) Multicolor; (5) Papillon (H.K.); (6) Papillon (Shanghai); (7) Roung Shu; (8) the Shienq Huong Group; (9) Yama Ribbons and Bows; (10) Yangzhou Bestpak; and (11) Yu Shin.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their

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[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 78 FR 54235 (Sept. 3, 2013).

[2] The Department received a request for an administrative review of the antidumping duty order on narrow woven ribbons from Taiwan with respect to Shienq Huong Enterprise Co., Ltd., Hsien Chan Enterprise Co., Ltd. and Novelty Handicrafts Co., Ltd. (collectively, ''the Shienq Huong Group''). Narrow woven ribbons produced and exported in any of 26 producer/exporter combinations involving the Shienq Huong Group are excluded from the order. *See Narrow Woven Ribbons With Woven Selvedge From Taiwan and the People's Republic of China: Antidumping Duty Orders,* 75 FR 53632 (Sept. 1, 2010). This administrative review covers narrow woven ribbons produced or exported by the Shienq Huong Group which is not specifically excluded from the order.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 67104 (Nov. 8, 2013).

responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: March 12, 2014.

Gary Taverman,

Senior Advisor for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–05971 Filed 3–17–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–995]

Countervailing Duty Investigation of Grain-Oriented Electrical Steel From the People's Republic of China: Preliminary Determination and Alignment of Final Determination With Final Antidumping Duty Determination

Correction

In notice document 2014–05259 appearing on pages 13617–13619 in the issue of Tuesday, March 11, 2014, make the following correction:

On page 13617, in the third column, in the **DATES** section, ''March 12, 2014'' should read ''March 11, 2014''.

[FR Doc. C1–2014–05259 Filed 3–17–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

International Trade Administration

United States Travel and Tourism Advisory Board: Meeting of the United States Travel and Tourism Advisory Board

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The United States Travel and Tourism Advisory Board (Board) will hold the first meeting of its newly appointed members on Tuesday, April 8, 2014. The Board was re-chartered on August 2013, to advise the Secretary of Commerce on matters relating to the travel and tourism industry. At the meeting, members will be sworn-in and will begin a discussion of the work they will undertake during their term. They are expected to discuss issues impacting the travel and tourism industry, including travel promotion, visa policy, travel facilitation, infrastructure, Brand USA, public-private partnerships, and domestic travel and tourism issues, in addition to other topics. The agenda may change to accommodate Board business. The final agenda will be posted on the Department of Commerce Web site for the Board at *http://trade.gov/ttab,* at least one week in advance of the meeting.

DATES: Tuesday, April 8, 2014, 9 a.m.–11 a.m. and open for public comments 11 a.m.–11:30 a.m. Central Daylight Time (CDT).

ADDRESSES: McCormick Place, 2310 S Lake Shore Drive, Chicago, Illinois 60616. The meeting room will be provided upon request.

FOR FURTHER INFORMATION CONTACT: Jennifer Pilat, the United States Travel and Tourism Advisory Board, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202–482–4501, email: *jennifer.pilat@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry.

Public Participation: The meeting will be open to the public and will be physically accessible to people with disabilities. All guests are required to register in advance. The meeting room will be provided upon registration. Seating is limited and will be on a first come, first served basis. Requests for sign language interpretation, other auxiliary aids, or pre-registration, should be submitted no later than 5 p.m. EDT on March 25, 2014 to Jennifer Pilat, the U.S. Travel and Tourism Advisory Board, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone 202–482–4501, *OACIE@trade.gov.* Last minute requests will be accepted, but may be impossible to fill. There will be 30 minutes of time allotted for oral comments from members of the public attending the meeting. Any member of the public may submit pertinent written comments concerning the Board's affairs at any time before or after the meeting.

Comments may be submitted to Jennifer Pilat at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. EDT on March 25, 2014, to ensure transmission to the Board prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting. Copies of Board meeting minutes will be available within 90 days of the meeting.

Dated: March 14, 2014.

Jennifer Pilat,

Executive Secretary, United States Travel and Tourism Advisory Board.

[FR Doc. 2014–06078 Filed 3–17–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 140307213–4213–01]

National Cybersecurity Center of Excellence (NCCoE) and Electric Power Sector Identity and Access Management Use Case

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) invites organizations to provide products and technical expertise to support and demonstrate security platforms for identity and access management for the electric power sector. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address cybersecurity challenges identified under the Energy Sector program. Participation in the use case is open to all interested organizations.

DATES: Interested parties must contact NIST to request a letter of interest. Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than April 17, 2014.

ADDRESSES: The NCCoE is located at 9600 Gudelsky Drive, Rockville, MD 20850. Letters of interest must be submitted to *Energy_NCCoE@nist.gov;* or via hardcopy to National Institute of Standards and Technology, NCCoE; 9600 Gudelsky Drive; MS 2002; Rockville, MD 20850. Organizations whose letters of interest are accepted in accordance with the Process set forth in the **SUPPLEMENTARY INFORMATION** section of this notice will be asked to sign a Cooperative Research and Development Agreement (CRADA) with NIST. A

CRADA template can be found at: *http://nccoe.nist.gov/The-Center/Get_Involved/NCCoE_Consortium_CRADA_Example.pdf*.

FOR FURTHER INFORMATION CONTACT: Nate Lesser via email at *Energy_NCCoE@nist.gov;* or telephone 240–314–6823; National Institute of Standards and Technology, NCCoE; 9600 Gudelsky Drive; MS 2002; Rockville, MD 20850. Additional details about the NCCoE Energy Sector program are available at *http://nccoe.nist.gov/energy.*

SUPPLEMENTARY INFORMATION:

Background: The NCCoE, part of NIST, is a public-private collaboration for accelerating the widespread adoption of integrated cybersecurity tools and technologies. The NCCoE brings together experts from industry, government, and academia under one roof to develop practical, interoperable cybersecurity approaches that address the real-world needs of complex Information Technology (IT) systems. By accelerating dissemination and use of these integrated tools and technologies for protecting IT assets, the NCCoE will enhance trust in U.S. IT communications, data, and storage systems; reduce risk for companies and individuals using IT systems; and encourage development of innovative, job-creating cybersecurity products and services.

Process: NIST is soliciting responses from all sources of relevant security capabilities (see below). Interested parties should contact NIST using the information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Upon receiving statements of interest, NIST will provide each interested party with a letter of interest, which the party must complete and submit to NIST by the date provided in the **DATES** section of this notice. The letter of interest must be completed and submitted to NCCoE by the responding organization. NCCoE will contact interested parties if there are questions regarding the responsiveness of the letters of interest to the use case objective or requirements identified below. NCCoE will select participants who have submitted complete letters of interest on a first come, first served basis within each category of product components or capabilities listed below up to the number of participants in each category necessary to carry out this use case. However, there may be continuing opportunity to participate even after initial activity commences. Selected participants will be required to enter into a consortium Cooperative Research and Development Agreement (CRADA) with NIST. NIST published a notice in the **Federal Register** on October 19, 2012 (77 FR 64314) inviting U.S. companies to enter into National Cybersecurity Excellence Partnerships (NCEPs) in furtherance of the NCCoE. For this demonstration project NCEP partners will not be given priority for participation.

Use Case Objective: In order to protect power generation, transmission and distribution, energy companies need to be able to control physical and logical access to their resources, including buildings, equipment, information technology and Industrial Control Systems (ICS). They must be able to authenticate the individuals and systems to which they are giving access rights with a high degree of certainty, whether they are employees, contractors, vendors, or partners. In addition, energy companies must be able to enforce access control policies (e.g. allow, deny, inquire further) consistently, uniformly and in a timely way across all of their resources.

Requirements: Each organization must complete and execute the letter of interest and certify that it is accurate and complete.

Each organization will be asked to identify which security platform components or capabilities it is offering. Product components or capabilities include one or more of the following:

1. Services for authenticating and authorizing users based on identity, role, third-party affiliation (e.g., federation) or other attributes (e.g., attribute-based access control)
2. Services for authenticating and authorizing devices
3. Services for whitelisting applications
4. Identity and access governance capability that translates human-readable access needs into machine-readable authorizations
5. Security incident and event management (SIEM) or log analysis software for monitoring access management events
6. ICS equipment, such as Remote Terminal Units (RTUs), programmable logic controllers (PLC), and relays, along with associated software and communications equipment (e.g., radios, encryptors)
7. Physical access control devices that use standard communication interfaces
8. ''Bump-in-the-wire'' devices for augmenting Operational Technology (OT) with authentication, authorization, access control, encrypted communication and logging capabilities

Capability requirements of the Identity and Access Management for Electric Utilities Use Case are as follows:

1. Compatibility with various electric utility ICS equipment and software
2. Strong authentication of users, devices, and software, based on credentials or attributes, along with appropriate encryption to enable reasonably secure exchange of identity and access management information
3. Compatibility with protocols and communication media commonly used by electric utilities
4. Federated authorization for communication across security domains
5. Ease of use (e.g., installation, configuration, maintenance, provisioning, de-provisioning, credentialing, revoking credentials)

Organizational requirements of the Identity and Access Management for Electric Utilities Use Case are as follows:

1. Access by project staff to component interfaces and the organization's experts necessary to make functional connections among security platform components
2. Development and demonstration of use cases in NCCoE facilities
3. Development and demonstration activities will be conducted in a manner consistent with Federal requirements (e.g., FIPS 200, FIPS 201, SP 800–53, and SP 800–63)

Additional details about the Identity and Access Management for Electric Utilities Use Case are available at *http://nccoe.nist.gov/energy*.

NIST cannot guarantee that all of the products proposed by respondents will be used in the demonstration. Each prospective participant will be expected to work collaboratively with NIST staff and other project participants under the terms of the consortium agreement in the development of the Identity and Access Management for Electric Utilities capability. Prospective participants' contribution to the collaborative effort will include assistance in establishing the necessary interface functionality, connection and set-up capabilities and procedures, demonstration harnesses, environmental and safety conditions for use, integrated platform user instructions, and demonstration plans and scripts necessary to demonstrate the desired capabilities. Each prospective participant will train NIST personnel as necessary, to operate its product in capability demonstrations to the healthcare community. Following successful demonstrations, NIST will

publish a description of the security platform and its performance characteristics sufficient to permit other organizations to develop and deploy security platforms that meet the security objectives of the Identity and Access Management for Electric Utilities Use Case. These descriptions will be public information.

Under the terms of the consortium agreement, NIST will support development of interfaces among participants' products, including IT infrastructure, laboratory facilities, office facilities, collaboration facilities, and staff support to component composition, security platform documentation, and demonstration activities.

The dates of the demonstration of the Identity and Access Management for Electric Utilities capability will be announced on the NCCoE Web site at least two weeks in advance at *http://nccoe.nist.gov/*. The expected outcome of the demonstration is to improve identity and access management on electric utility OT systems. Participating organizations will gain from the knowledge that their products are interoperable with other participants' offerings.

For additional information on the NCCoE governance, business processes, and NCCoE operational structure, visit the NCCoE Web site *http://nccoe.nist.gov/*.

Dated: March 12, 2014.

Mary H. Saunders,

Associate Director for Management Resources.

[FR Doc. 2014–05960 Filed 3–17–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Trademark Trial and Appeal Board (TTAB) Actions.

Form Number(s): None.

Agency Approval Number: 0651–0040.

Type of Request: Extension of a currently approved collection.

Burden: 15,524 hours annually.

Number of Respondents: 76,017 responses per year.

Avg. Hours per Response: The USPTO estimates that it will take the public approximately 10 to 30 minutes (0.17 to 0.50 hours) to complete the submission, depending on the request. This includes time to gather the necessary information, prepare the petitions, notices, extensions, or additional papers, and submit the completed request to the USPTO, depending on the complexity of the situation.

Needs and Uses: This information is required by the Trademark Act of 1946, Sections 13, 14, and 20, 15 U.S.C. 1063, 1064, and 1070, respectively. The information in this collection is a matter of public record and is used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. This information is important to the public, as both common law trademark owners and Federal trademark registrants must actively protect their own rights. This collection includes the information needed by the USPTO to review the various types of petitions to cancel the registration of a mark, notices of opposition to the registration of a mark, extensions of time to file an opposition, appeals, and other papers filed in connection with *inter partes* and *ex parte* proceedings.

Affected Public: Businesses or other for-profits or non-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Nicholas A. Fraser, email:

Nicholas_A._Fraser@omb.eop.gov.

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at *www.reginfo.gov*.

Paper copies can be obtained by:

• Email: *InformationCollection@uspto.gov.* Include ''0651–0040 copy request'' in the subject line of the message.

• Mail: Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before April 17, 2014 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A_Fraser@omb.eop.gov* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: March 12, 2014.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer.

[FR Doc. 2014–05877 Filed 3–17–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID USN–2014–0007]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Department of the Navy proposes to alter the system of records, N05820–1, entitled ''Foreign Criminal Jurisdiction Files'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system will be used by International and Operational Law Division personnel in the performance of their official duties when monitoring and reporting foreign criminal litigation, foreign confinement, and legal hold status of the individuals involved.

DATES: Comments will be accepted on or before April 17, 2014. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Patterson, Head, PA/FOIA Office (DNS–36), Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350–2000, or by phone at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/. http://dpclo.defense.gov/privacy/SORNs/component/navy/index.html.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on February 10, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 12, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N05820–1

SYSTEM NAME:

Foreign Criminal Jurisdiction Files (April 12, 1999, 64 FR 17648).

CHANGES:

SYSTEM LOCATION:

Delete entry and replace with ''The Office of the Judge Advocate General (International and Operational Law Division), 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066.''

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Computerized summaries and paper copies of legal documents received and filed relative to each case, and other miscellaneous data about the particular case to include accused's name, duty station, rate, grade, unit identification code (UIC), duty station, date of incident and country of incident.''

* * * * *

PURPOSE(S):

Delete entry and replace with ''Used by International and Operational Law Division personnel in the performance of their official duties when monitoring and reporting foreign criminal litigation, foreign confinement, and legal hold status of the individuals involved.''

* * * * *

STORAGE:

Delete entry and replace with ''Paper file folders and/or electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''Files may be retrieved by name, date of incident and country of incident.''

SAFEGUARDS:

Delete entry and replace with ''Only personnel in the International and Operational Law Division with a need-to-know are authorized access. Offices are kept locked when not occupied. Computers are password protected.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Policy Official: Judge Advocate General, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066.

RECORD HOLDER:

The Deputy Assistant Judge Advocate General (International and Operational Law), 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Assistant Judge Advocate General (International and Operational Law Division), 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066.

The request should be signed and include full name, a complete mailing address, grade, UIC, and duty station, as applicable.

The system manager may require an original signature or a notarized signature as a means of proving the identity of the individual.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Assistant Judge Advocate General (International and Operational Law), 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066.

The request should be signed and include full name, a complete mailing address, grade, UIC, and duty station, as applicable.

The system manager may require an original signature or a notarized signature as a means of proving the identity of the individual requesting access to the records.''

* * * * *

[FR Doc. 2014–05850 Filed 3–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Professional Development for Arts Educators (PDAE) Program

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

Overview Information:

Professional Development for Arts Educators (PDAE) Program Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.351C.

Dates:

Applications Available: March 18, 2014.

Deadline for Notice of Intent to Apply: April 17, 2014.

Date of Pre-Application Meeting: April 3, 2014.

Deadline for Transmittal of Applications: May 19, 2014.

Deadline for Intergovernmental Review: July 16, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Professional Development for Arts Educators (PDAE) program supports the implementation of high-quality model professional development programs in elementary and secondary education for music, dance, drama, media arts, or visual arts, including folk arts, for educators and other arts instructional staff of kindergarten through grade 12 (K–12) students in high-poverty schools. The purpose of this program is to strengthen standards-based arts education programs and to help ensure that all students meet challenging State academic content standards and challenging State student academic achievement standards in the arts.

Priorities: This competition includes one absolute priority, one competitive preference priority, and one invitational priority. The absolute priority is from the notice of final priority, requirements, and definitions for this program (2005 NFP), published in the **Federal Register** on March 30, 2005 (70 FR 16242). The competitive preference priority is from the notice of final supplemental priorities and definitions for discretionary grant programs,

published in the **Federal Register** on December 15, 2010 (75 FR 78486) and corrected on May 12, 2011 (76 FR 27637) (Supplemental Priorities).

Absolute Priority: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

This priority supports professional development programs for K–12 arts educators and other instructional staff that use innovative instructional methods and current knowledge from education research and focus on—

(1) The development, enhancement, or expansion of standards-based arts education programs; or

(2) The integration of standards-based arts instruction with other core academic area content.

In order to meet this priority, an applicant must demonstrate that the project for which it seeks funding is linked to State and national standards intended to enable all students to meet challenging expectations, and to improving student and school performance.

Note: The term ''national standards'' was used, but not defined, in the 2005 NFP. Since then, the program has described ''national standards'' to mean the arts standards developed by the Consortium of National Arts Education Associations or another comparable set of national arts standards. The standards developed by the Consortium outline what students should know and be able to do in the arts. Although the program considers these standards ''national standards,'' these standards are not established or endorsed by the Department.

Competitive Preference 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 a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 20 points to an application, depending on how well the application meets this priority. Therefore, the maximum number of competitive preference points that an application can receive under this competition is 20 points.

This priority is:

Competitive Preference Priority—Technology (0 to 20 points).

Projects that are designed to improve student achievement (as defined in this notice) or teacher effectiveness through the use of high-quality digital tools or materials, which may include preparing teachers to use the technology to improve instruction, as well as developing, implementing, or evaluating digital tools or materials.

Note: An applicant *must* identify in the project narrative section of its application whether it wishes the Department to consider its application for purposes of earning competitive preference priority points.

Invitational 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 invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Invitational Priority—Promoting Science, Technology, Engineering, and Mathematics (STEM) Education.

Projects that are designed to provide increased opportunities for high-quality professional development for K–12 arts educators and other instructional staff in integrating arts with STEM subjects.

Application Requirement: The following requirement is from the 2005 NFP.

To be eligible for PDAE Program funds, applicants must propose to carry out professional development programs for arts educators and other instructional staff of K–12 low-income children and youth by implementing projects in schools in which 50 percent or more of the children enrolled are from low-income families (based on the poverty criteria in Title I, section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, as amended.

Note: Applicants will be required to provide evidence that they are serving such schools.

Definitions: The definitions for the terms ''arts,'' ''arts educator,'' and ''integrate'' are from the 2005 NFP (see 70 FR 16242, 16244). The definitions for the terms ''evidence of promise,'' ''logic model,'' ''randomized controlled trial,'' ''relevant outcome,'' ''quasi-experimental design study,'' and ''strong theory'' are from 34 CFR 77.1(c). The definition for the term ''sustained and intensive'' is specific to the program's Government Performance and Results Act (GPRA) measure only. The remaining definition, ''student achievement,'' is from the Supplemental Priorities.

Arts includes music, dance, theater, media arts, and visual arts, including folk arts.

Arts educator means a teacher who works in music, dance, theater, media arts, or visual arts, including folk arts.

Evidence of promise means there is empirical evidence to support the theoretical linkage(s) between at least one critical component and at least one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. Specifically, evidence of promise means the conditions in paragraphs (a) and (b) of this section are met:

(i) There is at least one study that is a—

(A) Correlational study with statistical controls for selection bias;

(B) Quasi-experimental study that meets the What Works Clearinghouse Evidence Standards with reservations; [1] or

(C) Randomized controlled trial that meets the What Works Clearinghouse Evidence Standards with or without reservations.[2]

(ii) The study referenced in paragraph (a) found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger), favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

Integrate means to strengthen (i) the use of high-quality arts instruction within other academic content areas, and (ii) the place of the arts as a core academic subject in the school curriculum.

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (i.e., the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations [3] (they cannot meet What

[1] What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[2] What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[3] What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011),

Works Clearinghouse Evidence Standards without reservations).

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcome for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.[4]

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy, or practice is designed to improve; consistent with the specific goals of a program.

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

Student achievement means—

(a) For tested grades and subjects: (1) a student's score on the State's assessments under the ESEA; and, as appropriate, (2) other measures of student learning, such as those described in paragraph (b) of this definition, provided they are rigorous and comparable across schools.

(b) For non-tested grades and subjects: alternative measures of student learning and performance, such as student scores on pre-tests and end-of-course tests; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools.

Sustained and Intensive, as used in the GPRA measure set forth in the Performance Measures section of this notice, means to complete 40 hours of professional development and 75% of the total number of professional development hours offered over a period of 6 or more months.

Program Authority: 20 U.S.C. 7271.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 97, 98 and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The notice of final priority, requirements, and definitions for this program, published in the **Federal Register** on March 30, 2005 (70 FR 16242). (d) The notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486) and corrected on May 12, 2011 (76 FR 27637).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $4,600,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 or subsequent fiscal years from the list of unfunded applicants from this competition.

Estimated Range of Awards: $150,000–$350,000 for the first year of the project. Funding for the second, third, and fourth years is subject to the availability of funds and the approval of continuation awards (see 34 CFR 75.253).

Estimated Average Size of Awards: $300,000.

Estimated Number of Awards: 15.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months (subject to availability of funds).

Note: In recognition of the increased rigor of the expected evaluation design, applicants may use the first 12 months of the project period to refine the evaluation design, build capacity to execute the evaluation, and ensure that program design and implementation is aligned with the evaluation requirements.

III. Eligibility Information

1. *Eligible Applicants:* An LEA, which may be a charter school that is considered an LEA under State law and regulations, that is acting on behalf of an individual school or schools that meets the poverty criterion with respect to children from low-income families that is specified in the Application Requirement section elsewhere in this notice, and that must work in partnership with one or more of the following—

- A State or local non-profit or governmental arts organization;
- A State educational agency (SEA) or regional educational service agency;
- An institution of higher education; or
- A public or private agency, institution, or organization, including a museum, an arts education association, a library, a theater, or a community- or faith-based organization.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Under section 5551(f)(2) of the ESEA, the Secretary requires that assistance provided under this program be used only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under the program. This requirement has the effect of requiring grantees to use a restricted indirect cost rate, according to the requirements in 34 CFR 75.563 and 34 CFR 76.564 through 76.569. The restricted indirect cost rate excludes certain costs from the rate that otherwise would be recovered under a standard indirect cost rate. As soon as applicants decide to apply, they are urged to contact the ED Indirect Cost Group at (202) 377–3840 for guidance about obtaining a restricted indirect cost rate to use on the Budget Information form (ED Form 524) included with the application package.

3. *Coordination Requirement:* Under section 5551(f)(1) of the ESEA, the Secretary requires that each entity funded under this program coordinate, to the extent practicable, each project or program carried out through its grant with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.351C.

which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[4] What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. a. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Notice of Intent to Apply: The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify the Department by sending a short email message indicating the applicant's intent to submit an application for funding. The email need not include information regarding the content of the proposed application, only the applicant's intent to submit it. The email notification should be sent to the program email address: *PDAEFY14Competition@ed.gov.*

Applicants that fail to provide this email notification may still apply for funding.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. Applicants are strongly encouraged to limit the application (Part III) to the equivalent of no more than 50 single-sided pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the PDAE program, some applications may include business information that applicants consider proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

We plan on posting the project narrative section of funded PDAE applications on the Department's Web site so you may wish to request confidentiality of business information. Identifying proprietary information in the submitted application will help facilitate this public disclosure process.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:*

Applications Available: March 18, 2014.

Deadline for Notice of Intent to Apply: April 17, 2014.

Date of Pre-Application Meeting: April 3, 2014.

Deadline for Transmittal of Applications: May 19, 2014.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: July 16, 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:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain

that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov*. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this 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 PDAE Program, CFDA Number 84.351C, 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 PDAE Program at *www.Grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.351, not 84.351C).

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: Michelle J. Armstrong, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W214, Washington, DC 20202–5950. FAX: (202) 205–5630.

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 84.351C), 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 84.351C), 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210. The maximum score for all the selection criteria is 100 points. The maximum score for each criterion is indicated in parentheses. Each criterion also includes the factors that the reviewers will consider in determining how well an application meets the criterion. A note following a selection criterion is guidance to help applicants in preparing their applications, and is not required by statute or regulations. The criteria are as follows:

(1) *Significance* (5 points).

The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(a) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(b) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

(2) *Quality of the project design* (10 points).

The Secretary considers the quality of the design of the proposed project by considering the following factors:

(a) The extent to which the proposed project is supported by strong theory (as defined 34 CFR 77.1(c)).

(b) The potential and planning for the incorporation of project purposes, activities, or benefits into the ongoing work of the applicant beyond the end of the grant.

(3) *Quality of project services* (15 points).

The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the following factors:

(a) The quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(b) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(c) The likelihood that the services to be provided by the proposed project will lead to improvements in the achievement of students as measured against rigorous academic standards.

(4) *Quality of project personnel* (15 points).

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the following factors:

(a) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(b) The qualifications, including relevant training and experience, of key project personnel.

(c) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(5) *Quality of the management plan* (30 points).

The Secretary considers the quality of the management plan for the proposed project by considering the following factors:

(a) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(b) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(c) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(6) *Quality of the project evaluation* (25 points).

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(a) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(b) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(c) The extent to which the methods of evaluation will, if well-implemented, produce evidence of promise (as defined in this notice).

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html*.

4. *Performance Measures:* We have established two GPRA performance measures for the PDAE Program. The first GPRA measure is: The percentage of teachers participating in the PDAE Program who receive professional development that is sustained and intensive. In implementing this measure, the Department will collect from grantees data on the extent to which they provide professional development that is sustained and intensive in accordance with the definition for the phrase ''sustained and intensive'' provided elsewhere in this notice. The second GPRA measure is: The percentage of PDAE projects whose teachers show a statistically significant increase in content knowledge in the arts. In implementing this measure, grantees will be expected to administer a pre-test and a post-test of teacher content knowledge in the arts. The pre-test and post-test should be the same test or an equivalent version of the test. Successful applicants will be expected to include professional development data in their annual performance reports to the Department.

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, a grantee's failure to meet performance measure targets, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Michelle J. Armstrong, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W 214, Washington, DC 20202. Telephone (202) 453–6525 or by email: *PDAEFY14Competition@ed.gov*. If you use a TDD or TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of the Federal Regulations is available via the Federal Digital Systems 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 13, 2014.

Nadya Chinoy Dabby,

Associate Assistant Deputy Secretary for Innovation and Improvement, delegated the authority to perform the functions and duties of the Assistant Deputy Secretary.

[FR Doc. 2014–05934 Filed 3–17–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. 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: Thursday, April 3, 2014 6:00 p.m.

ADDRESSES: Ohio State University, Endeavor Center, 1864 Shyville Road, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Alternate Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897–3737, *Greg.Simonton@lex.doe.gov.*

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:

- Call to Order, Introductions, Review of Agenda
- Approval of March Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaison's Comments
- Presentations
- Administrative Issues
- Subcommittee Updates
- Public Comments
- Final Comments From the Board
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Portsmouth, 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 Greg Simonton 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 Greg Simonton at the address or telephone number 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 Greg Simonton at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.ports-ssab.energy.gov/.*

Issued at Washington, DC, on March 12, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–05973 Filed 3–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Fusion Energy Sciences Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Fusion Energy Sciences Advisory Committee. 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: April 9, 2014, 9:00 a.m. to 6:00 p.m.; April 10, 2014, 9:00 a.m. to 12:00 noon.

ADDRESSES: Hilton Rockville, 1750 Rockville Pike, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Edmund J. Synakowski, Designated Federal Officer, Office of Fusion Energy Sciences; U.S. Department of Energy; 1000 Independence Avenue SW.; Washington, DC 20585–1290; Telephone: 301–903–4941.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: To present the FY 2015 President's budget request for the Fusion Energy Sciences program, and to discuss the charge given to the Committee in the letter from the Acting Director of the Office of Science, dated February 19, 2014, to the FESAC Chair, on the assessment of workforce development needs in Office of Science research disciplines, as well as other possible charges.

Tentative Agenda Items:

- DOE/SC Perspective and FY 2015 President's Budget Request for SC
- FES Perspective and FY 2015 President's Budget Request for FES
- Charge on Workforce Development Needs in SC Research Disciplines
- Public Comments
- Adjourn

Note: Remote attendance of the FESAC meeting will be possible via ReadyTalk (*www.readytalk.com*). Please check the FESAC Web site (*http://science.energy.gov/fes/fesac/meetings/*) for instructions on how to access the meeting remotely.

Public Participation: The meeting is open to the public. 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 an oral statement regarding any of the items on the agenda, you should contact Dr. Ed Synakowski at 301–903–8584 (fax) or *Ed.synakowski@science.doe.gov* (email). Reasonable provisions will be made to include the scheduled oral statements during the Public Comments time 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 the meeting will be available for public review and copying within 30 days on the Fusion Energy Sciences Advisory Committee Web site at: *http://science.energy.gov/fes/fesac/*

Issued at Washington, DC, on March 12, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–05976 Filed 3–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and International Security, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This notice is being issued under the authority of section 131a. of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation Concerning Civil Uses of Nuclear Energy Between the Government of the United States of America and the Government of Canada and the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community.

DATES: This subsequent arrangement will take effect no sooner than April 2, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Katie Strangis, Office of Nonproliferation and International Security, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–8623 or email: *Katie.Strangis@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns the retransfer of 171,561.2 l kg of U.S.-origin natural uranium hexafluoride (UF6) (67.60% U), 115,975.4 kg of which is uranium, from Cameco Corporation (Cameco) in Port Hope, Ontario, Canada, to Urenco, Ltd. (URENCO) in Capenhurst Works, Chester, United Kingdom. The material, which is currently located at Cameco, will be used for toll enrichment by URENCO at its facility in Capenhurst, United Kingdom. The material was originally obtained by Cameco from Power Resources Inc., Cameco Resources-Crowe Butte Operation, and White Mesa Mill pursuant to export license XSOU8798.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the retransfer of nuclear material of United States origin will not be inimical to the common defense and security of the United States of America.

Dated: February 21, 2014.

For the Department of Energy.

Anne M. Harrington,

Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2014–05953 Filed 3–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy

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

ACTION: Notice.

SUMMARY: In this notice, the U.S. Department of Energy (DOE) is forecasting the representative average unit costs of five residential energy sources for the year 2014 pursuant to the Energy Policy and Conservation Act. The five sources are electricity, natural gas, No. 2 heating oil, propane, and kerosene.

DATES: The representative average unit costs of energy contained in this notice will become effective April 17, 2014 and will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Mohammed Khan, U.S. Department of Energy, Office of Energy, Efficiency and Renewable Energy Forrestal Building, Mail Station EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121, (202) 586–7892, *Rep_Average_Unit_Costs@ee.doe.gov.*

Francine Pinto, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC–72, 1000 Independence Avenue SW., Washington, DC 20585–0103, (202) 586–7432, *Francine.Pinto@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: Section 323 of the Energy Policy and Conservation Act (Act) requires that DOE prescribe test procedures for the measurement of the estimated annual operating costs or other measures of energy consumption for certain consumer products specified in the Act. (42 U.S.C. 6293(b)(3)) These test procedures are found in Title 10 of the Code of Federal Regulations (CFR) part 430, subpart B.

Section 323(b)(3) of the Act requires that the estimated annual operating costs of a covered product be calculated from measurements of energy use in a representative average use cycle or period of use and from representative average unit costs of the energy needed to operate such product during such cycle. (42 U.S.C. 6293(b)(3)) The section further requires that DOE provide information to manufacturers regarding the representative average unit costs of energy. (42 U.S.C. 6293(b)(4)) This cost information should be used by manufacturers to meet their obligations under section 323(c) of the Act. Most notably, these costs are used to comply with Federal Trade Commission (FTC) requirements for labeling. Manufacturers are required to use the revised DOE representative average unit costs when the FTC publishes new ranges of comparability for specific covered products, 16 CFR part 305. Interested parties can also find information covering the FTC labeling requirements at *http://www.ftc.gov/appliances.*

DOE last published representative average unit costs of residential energy in a **Federal Register** notice entitled, ''Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy'', dated March 22, 2013, 78 FR 17648. On April 17, 2014, the cost figures published in today's notice will become effective and supersede those cost figures published on March 22, 2013. The cost figures set forth in today's notice will be effective until further notice.

DOE's Energy Information Administration (EIA) has developed the 2014 representative average unit after-tax residential costs found in this notice. These costs for electricity, natural gas, No. 2 heating oil, and propane are based on simulations used to produce the February 2014, EIA *Short-Term Energy Outlook* (EIA releases the *Outlook* monthly). The representative average unit after-tax cost for kerosene is derived from its price

relative to that of heating oil, based on the 2009-to 2013 averages of the U.S. refiner price to end users, which include all the major energy-consuming sectors in the U.S. for these fuels. The source for these price data is the January 2014, *Monthly Energy Review* DOE/EIA–0035(2014/01). The *Short-Term Energy Outlook* and the *Monthly Energy Review* are available on the EIA Web site at *http://www.eia.doe.gov.* Propane prices are econometric modeling projections based on historical Weekly Petroleum Status Report winter prices and Mont Belvieu (Texas) spot and futures prices. For more information on the data sources used in this Notice, contact the National Energy Information Center, Forrestal Building, EI–30, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–8800, email: *infoctr@eia.doe.gov.*

The 2014 representative average unit costs under section 323(b)(4) of the Act are set forth in Table 1, and will become effective April 17, 2014. They will remain in effect until further notice.

Issued in Washington, DC, on March 11, 2014.

David T. Danielson,

Assistant Secretary, Energy Efficiency and Renewable Energy.

TABLE 1—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (2014)

Type of energy	Per million Btu [1]	In commonly used terms	As required by test procedure
Electricity	$36.34	12.4¢/kWh[2] thnsp;[3]	$0.124/kWh
Natural Gas	11.28	$1.128/therm[4] or $11.56/MCF [5] thnsp;[6]	0.00001128/Btu
No. 2 Heating Oil	27.04	3.75/gallon [7]	0.00002704/Btu
Propane	29.89	2.73/gallon [8]	0.00002989/Btu
Kerosene	31.70	4.28/gallon [9]	0.00003170/Btu

Sources: U.S. Energy Information Administration, *Short-Term Energy Outlook* (February 11, 2014) and *Monthly Energy Review* (January 30, 2014).

Notes: Prices include taxes.

1. Btu stands for British thermal units.
2. kWh stands for kilowatt hour.
3. 1 kWh = 3,412 Btu.
4. 1 therm = 100,000 Btu.
5. MCF stands for 1,000 cubic feet.
6. For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,025 Btu.
7. For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.
8. For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,333 Btu.
9. For the purposes of this table, one gallon of kerosene has an energy equivalence of 135,000 Btu.

[FR Doc. 2014–05949 Filed 3–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Guidance Surrounding Department of Energy Support of Building Energy Code Compliance Software

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

ACTION: Notice of availability.

SUMMARY: The U.S. Department of Energy (DOE) Building Energy Codes Program has made available guidance on how it intends to respond to requests for modified versions of energy code compliance software.

FOR FURTHER INFORMATION CONTACT: Jeremiah Williams, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Ave. SW., Washington, DC 20585–0121, Telephone: (202) 287–1941, Email: *jeremiah.williams@ee.doe.gov.*

Daniel Cohen, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, Mailstop GC–71, 1000 Independence Ave. SW., Washington, DC 20585, Telephone: (202) 586–9523, Email: *daniel.cohen@hq.doe.gov.*

ADDRESSES: The guidance described in this notice is also posted at *http://www.energycodes.gov/compliance/tools.*

SUPPLEMENTARY INFORMATION:

Priorities for RES*check* and COM*check* Support

The Energy Conservation and Production Act, as amended, directs the United States Department of Energy (DOE) to provide technical assistance ''to improve and implement State residential and commercial building energy efficiency codes'' (42 U.S.C. 6833(d) and (e)). As part of this directive, to accelerate national code adoption and compliance, DOE's Building Energy Codes Program provides residential (RES*check*) and commercial (COM*check*) energy code compliance software to the building industry and local building jurisdictions, available as free downloads at energycodes.gov. DOE creates a new version of RES*check* each time a new edition of the International Energy Conservation Code (IECC) is published and a new version of COM*check* each time that a new edition of ANSI/ASHRAE/IES Standard 90.1 is published. DOE also releases regular updates of RES*check* and COM*check* for maintenance and enhancement.

The IECC and ASHRAE 90.1, respectively, are typically referred to as the national model codes, as they are referenced specifically in federal statute (42 U.S.C. 6833(d) and (e)). Because many states adopt both the residential and commercial provisions of the IECC, and the IECC commercial provisions formally reference Standard 90.1 as alternative compliance path, COM*check* is typically updated to accommodate both the commercial provisions of the IECC and Standard 90.1.

DOE has historically created a small number of custom versions of RES*check* and COM*check* when requested by individual states which have adopted the national model codes with amendments. In recent years the number of these requests has increased to exceed available program resources. The following priorities provide internal consistency and transparency to the public regarding resources dedicated to RES*check* and COM*check.*

1. Order of Priorities for Developing and Maintaining REScheck and COMcheck Versions

(a) Current version of national model codes as published.

(b) State or local codes that are based on the current version of the national model codes with amendments that increase energy savings. Within this category, further delineations may be made based on the number and complexity of amendments. Energy saving amendments that have the potential to be incorporated into other state or national codes will generally take priority.

(c) Current versions of state or local codes not based on or fundamentally diverging from the model codes with energy savings equal to or greater than the current national model code.

Note that category (a) will be created automatically by DOE each time a new national model code is published. Creation of versions under categories (b) and (c) will only be considered when requested by states.

For (b) and (c), funds may be prioritized for states that have historically used fewer program resources. Also, maximum funding limits may be established for individual state requests based on the total budget available and the number of requests received. Amounts above the maximum would need to be paid for with state-provided funding.

DOE will not provide a custom version of RES*check* or COM*check* for State or local codes that provide less energy savings than the current versions of the national model codes.

2. Duration of Support for REScheck and COMcheck Versions

DOE will maintain on its Web site RES*check* and COM*check* versions based on the current model code and the two previous versions of the model code. Versions older than these will be removed from the Web site and DOE will inform the users prior to the removal. Upon request, any older versions that are removed may be made available to states or other code organizations that wish to maintain them on non-DOE Web sites.

If you have any questions please contact the DOE Building Energy Codes Program as identified above, or visit *http://www.energycodes.gov/resource-center/help-desk.*

Issued in Washington, DC on March 11, 2014.

Jeremiah Williams,

Acting, Program Manager, Building Codes, Building Technologies Office.

[FR Doc. 2014–05952 Filed 3–17–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: March 20, 2014, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

* NOTE—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1003RD—Meeting

Regular Meeting

March 20, 2014

10:00 a.m.

Item No	Docket No.	Company
	Administrative	
A–1	AD02–1–000	Agency Business Matters.
A–2	AD02–7–000	Customer Matters, Reliability, Security and Market Operations.
A–3	AD06–3–000	Market Update.
	Electric	
E–1	ER13–103–001	California Independent System Operator Corporation.
	ER13–103–003	
	ER12–2709–001	Pacific Gas and Electric Company.
	ER13–87–001	San Diego Gas & Electric Company.
E–2	OMITTED	
E–3	OMITTED	
E–4	RM13–16–000	Generator Verification Reliability Standards.
E–5	RM13–5–001	Version 5 Critical Infrastructure Protection Reliability Standards.
E–6	RM13–19–000	Generator Relay Loadability and Revised.
	RM14–3–000	Transmission Relay Loadability Reliability Standards.
E–7	RD14–2–000	North American Electric Reliability Corporation.
E–8	ER14–385–000	New York Independent System Operator, Inc.
E–9	ER14–375–000	ISO New England Inc. and New England Power Pool Participants Committee.
E–10	ER13–2063–001	California Independent System Operator Corporation.
	ER14–1004–000	
E–11	QF12–135–000	Iowa Hydro, LLC.
E–12	EL13–60–001	Otter Creek Solar LLC.
	QF13–402–002	
E–13	EL13–73–000	Hydrodynamics Inc., Montana Marginal Energy, Inc., WINData, LLC.
	QF85–212–001	Hydrodynamics, Inc.
	QF08–556–001	
	QF08–557–001	
	QF08–558–001	
	QF08–559–001	
	QF08–598–001	

Item No	Docket No.	Company
	QF03–36–001	Montana Marginal Energy, LLC.
	QF03–127–001	Two Dot Wind Energy, LLC.
	QF04–87–001	
	QF04–157–001	Two Dot Wind, LLC.
	QF10–668–001	Two Dot Wind Farm, LLC.
	QF05–140–001	Mo Wind, LLC.
	QF11–449–002	Greenfield Wind, LLC.
	QF11–450–003	Fairfield Wind LLC.
	QF13–425–001	Greenfield Wind II, LLC.
	QF13–421–001	Coyote Wind LLC.
E–14	ER14–480–000	California Independent System Operator Corporation.
E–15	ER14–495–000	California Independent System Operator Corporation.
E–16	EL12–35–001	Midwest Independent Transmission System Operator, Inc.
		ALLETE, Inc.
		Ameren Illinois Company.
		Ameren Transmission Company of Illinois.
		American Transmission Company, LLC.
		Big Rivers Electric Corporation.
		Board of Water, Electric and Communications.
		Trustees of the City of Muscatine, Iowa.
		Central Minnesota Municipal Power Agency.
		City of Columbia, Missouri, Water & Light Company.
		City Water, Light & Power (Springfield, Illinois).
		Duke Energy Indiana, Inc.
		Dairyland Power Cooperative.
		Great River Energy.
		Hoosier Energy Rural Electric Cooperative, Inc.
		Indiana Municipal Power Agency.
		Indianapolis Power & Light Company.
		International Transmission Company.
		ITC Midwest, LLC.
		Michigan Electric Transmission Company, LLC.
		Michigan Public Power Agency.
		Michigan South Central Power Agency.
		MidAmerican Energy Company.
		Missouri River Energy Services.
		Montana-Dakota Utilities Company.
		Montezuma Municipal Light & Power.
		Municipal Electric Utility of the City of Cedar Falls, Iowa.
		Muscatine Power and Water.
		Northern Indiana Public Service Company.
		Northern States Power Company, a Minnesota Corporation.
		Northern States Power Company, a Wisconsin Corporation.
		Northwestern Wisconsin Electric Company.
		Otter Tail Power Company.
		Southern Illinois Power Cooperative.
		Southern Indiana Gas & Electric Company.
		Southern Minnesota Municipal Power Agency.
		Tipton Municipal Utilities.
		Wabash Valley Power Association, Inc.
		Wolverine Power Supply Cooperative, Inc.
E–17	ER13–2375–000	Midcontinent Independent System Operator, Inc. and Southern Indiana Gas & Electric Company.
E–18	ER13–2376–000	Midcontinent Independent System Operator, Inc. and Northern Indiana Public Service Company.
E–19	ER13–2379–000	Midcontinent Independent System Operator, Inc.
	EL12–35–000	Midwest Independent Transmission System Operator, Inc.
		ALLETE, Inc.
		Ameren Illinois Company.
		Ameren Transmission Company of Illinois.
		American Transmission Company, LLC.
		Big Rivers Electric Corporation.
		Board of Water, Electric and Communications.
		Trustees of the City of Muscatine, Iowa.
		Central Minnesota Municipal Power Agency.
		City of Columbia, Missouri, Water & Light Company.
		City Water, Light & Power (Springfield, Illinois).
		Duke Energy Indiana, Inc.
		Dairyland Power Cooperative.
		Entergy Services, Inc.
		Great River Energy.
		Hoosier Energy Rural Electric Cooperative, Inc.
		Indiana Municipal Power Agency.
		Indianapolis Power & Light Company.

Item No	Docket No.	Company
		International Transmission Company.
		ITC Midwest, LLC.
		Michigan Electric Transmission Company, LLC.
		Michigan Public Power Agency.
		Michigan South Central Power Agency.
		MidAmerican Energy Company.
		Missouri River Energy Services.
		Montana-Dakota Utilities Company.
		Montezuma Municipal Light & Power.
		Municipal Electric Utility of the City of Cedar Falls, Iowa.
		Muscatine Power and Water.
		Northern States Power Company, a Minnesota Corporation.
		Northern States Power Company, a Wisconsin, Corporation.
		Northwestern Wisconsin Electric Company.
		Otter Tail Power Company.
		Southern Illinois Power Cooperative.
		Southern Minnesota Municipal Power Agency.
		Tipton Municipal Utilities.
		Wabash Valley Power Association, Inc.
		Wolverine Power Supply Cooperative, Inc.
	ER13–948–000	Entergy Services, Inc.
E–20	EC14–14–000	NRG Energy Holdings, Inc. and Edison Mission Energy.
E–21	EC14–37–000	Glacial Energy Holdings.
		Glacial Energy of California, Inc.
		Glacial Energy of Illinois, Inc.
		Glacial Energy of New England, Inc.
		Glacial Energy of New Jersey, Inc.
		Glacial Energy of New York.
		Voltage Energy Holdings, Inc.
E–22	EL10–49–000	Old Dominion Electric Cooperative and North Carolina Electric Membership Corporation v. Virginia Electric and Power Company.
	Miscellaneous	
M–1	RM14–2–000	Coordination of the Scheduling Processes of Interstate Natural Gas Pipelines and Public Utilities.
M–2	EL14–22–000	California Independent System Operator Corporation.
	EL14–23–000	ISO New England, Inc.
	EL14–24–000	PJM Interconnection, LLC.
	EL14–25–000	Midcontinent Independent System Operator, Inc.
	EL14–26–000	New York Independent System Operator, Inc.
	EL14–27–000	Southwest Power Pool, Inc.
M–3	RP14–442–000	Posting of Offers to Purchase Capacity.
	Gas	
G–1	OR14–8–000	Colonial Pipeline Company.
	Hydro	
H–1	P–12690–005	Public Utility District No. 1 of Snohomish County, Washington.
	Certificates	
C–1	CP13–528–000	Northern Natural Gas Company.
C–2	CP14–13–000	Houston Pipe Line Company LP.

Issued March 13, 2014.

Kimberly D. Bose,

Secretary.

A free webcast of this event is available through *www.ferc.gov*. Anyone with Internet access who desires to view this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2014–05978 Filed 3–14–14; 11:15 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–RCRA–2013–0737; FRL–9907–88–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Land Disposal Restrictions (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Land Disposal Restrictions (Renewal)'' (EPA ICR No. 1442.22, OMB Control No. 2050–0085) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through March 31, 2014. Public comments were previously requested via the **Federal Register** (78 FR 74127) on December 10, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before April 17, 2014.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–RCRA–2013–0737, to (1) EPA, either online using *www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Peggy Vyas, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703–308–5477; fax number: 703–308–8433; email address: *vyas.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: 3004 of the Resource Conservation and Recovery Act (RCRA), as amended, requires that EPA develop standards for hazardous waste treatment, storage, and disposal as may be necessary to protect human health and the environment. Subsections 3004(d), (e), and (g) require EPA to promulgate regulations that prohibit the land disposal of hazardous waste unless it meets specified treatment standards described in subsection 3004(m).

The regulations implementing these requirements are codified in the *Code of Federal Regulations* (CFR) Title 40, Part 268. EPA requires that facilities maintain the data outlined in this ICR so that the Agency can ensure that land disposed waste meets the treatment standards. EPA strongly believes that the recordkeeping requirements are necessary for the agency to fulfill its congressional mandate to protect human health and the environment.

Form Numbers: None.

Respondents/affected entities: Private sector and State, Local, or Tribal governments.

Respondent's obligation to respond: Mandatory (40 CFR Part 268).

Estimated number of respondents: 90,500.

Frequency of response: Once, Occasionally.

Total estimated burden: 646,455 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $86,668,517 (per year), includes $33,928,964 labor and $52,739,553 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 561,927 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to a better estimate in the number of small quantity generators (SQGs). Unlike large quantity generators that have to fill out a Hazardous Waste Report every 2 years, SQGs do not need to report. Therefore the total count of SQGs does not fluctuate with time, like the LQG count, rather it only increases. EPA felt the SQG universe estimate in this ICR was over-inflated because SQGs that no longer exist were still being counted. EPA developed a new methodology for counting SQGs which only includes those SQGs still in business as far back as 2007.

Richard T. Westlund,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–05917 Filed 3–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0355; FRL–9907–83–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Clay Ceramics Manufacturing, Glass Manufacturing and Secondary Nonferrous Metals Processing Area Sources (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Clay Ceramics Manufacturing, Glass Manufacturing and Secondary Nonferrous Metals Processing Area Sources (40 CFR Part 63, Subparts RRRRRR, SSSSSS, and TTTTTT)'' (EPA ICR No. 2274.04, OMB Control No. 2060–0606), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*). This is a proposed extension of the ICR, which is currently approved through April 30, 2014. Public comments were previously requested via the **Federal Register** (78 *FR* 35023) on June 11, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before April 17, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0355, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov*, or by mail to: EPA Docket Center, Environmental

Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The affected entities are subject to the General Provisions of the NESHAP (40 CFR Part 63, subpart A), and any changes, or additions to the Provisions, specified at 40 CFR Part 63, subparts RRRRRR, SSSSSS, and TTTTTT. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative.

Form Numbers: None.

Respondents/affected entities: Owners or operators of clay ceramics manufacturing, glass manufacturing, and secondary nonferrous metals processing area sources.

Respondent's obligation to respond: Mandatory (40 CFR Part 63, subparts RRRRRR, SSSSSS, and TTTTTT).

Estimated number of respondents: 82.

Frequency of response: Initially and occasionally.

Total estimated burden: 1,763 hours (per year). ''Burden'' is defined at 5 CFR 1320.3(b).

Total estimated cost: $182,301 (per year), which includes $9,854 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the industry is non-existent, so there is no significant change in the overall burden. However, there is an adjustment increase in the respondent burden cost due to an update in labor rates. There is also an adjustment decrease in the total O&M costs due to a correction. The previous ICR included annualized capital costs of initial performance tests and equipment as O&M costs. This ICR corrects the O&M costs to only include ongoing costs to maintain the monitors.

Richard T. Westlund,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–05886 Filed 3–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0315; FRL–9907–94–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Commercial and Industrial Solid Waste Incineration (CISWI) Units (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NSPS for Commercial and Industrial Solid Waste Incineration (CISWI) Units (40 CFR part 60, Subpart CCCC) (Renewal)'' (EPA ICR No. 2384.03, OMB Control No. 2060–0662), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*). This is a proposed extension of the ICR, which is currently approved through May 31, 2014. Public comments were previously requested via the **Federal Register** (78 *FR* 35023) on June 11, 2013, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before April 17, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0315, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The NSPS fulfills the requirements of sections 111 and 129 of the Clean Air Act (CAA), which require EPA to promulgate New Source Performance Standard (NSPS) for solid waste incineration units. This regulation amends the 2000 CISWI NSPS currently in affect. The information collection activities required by the NSPS include: Site requirements, operator training and qualification requirements, testing, monitoring and reporting requirements,

one-time and periodic reports, and the maintenance of records. These activities will enable EPA to determine initial compliance with the emission limits for the regulated pollutants, monitor compliance with operating parameters, and ensure that facilities conduct the proper planning and operator training.

Form Numbers: None.

Respondents/affected entities: Owners and operators of commercial and industrial solid waste incineration units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart CCCC).

Estimated number of respondents: 5 (total).

Frequency of response: Initially, occasionally, and annually.

Total estimated burden: 1,036 hours (per year). ''Burden'' is defined at 5 CFR 1320.3(b).

Total estimated cost: $451,859 (per year), includes $350,476 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase in the total estimated respondent burden when compared with the ICR currently-approved by OMB. This increase is due to a multitude of factors including an increase in the respondent universe since the last ICR period, an update to the labor rates, as well as corrections to errors in the burden estimates. The primary correction included revising the number of existing respondents subject to annual reporting and recordkeeping requirements.

There is also an increase in the total capital and O&M costs due to an increase in the number of respondents. In addition, this ICR corrects the number of respondents that have to maintain monitors, which also contributes to the increase in O&M costs.

There is also a decrease in the Agency burden and cost due to several corrections, primarily associated with the frequency of observing initial stack tests and reviewing excess emission reports.

Richard T. Westlund,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–05884 Filed 3–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9908–28–ORD; EPA–HQ–ORD–2014–0192]

Human Studies Review Board Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice. Request for Nominations to the Human Studies Review Board (HSRB) Advisory Committee.

SUMMARY: The Environmental Protection Agency (EPA) invites nominations from a diverse range of qualified candidates with expertise in bioethics to be considered for appointment to its Human Studies Review Board (HSRB) advisory committee. Anticipated vacancies will be filled by September 1, 2014. Sources in addition to this **Federal Register** Notice may also be utilized in the solicitation of nominees.

DATES: Submit nominations by April 11, 2014.

SUPPLEMENTARY INFORMATION:

Background: On February 6, 2006, the Agency published a final rule for the protection of human subjects in research (71 FR 24 6138) that called for creating a new, independent human studies review board (*i.e.,* HSRB). The HSRB is a federal advisory committee operating in accordance with the Federal Advisory Committee Act (FACA) 5 U.S.C. App. 2 § 9 (Pub. L. 92–463). The HSRB provides advice, information, and recommendations to EPA on issues related to scientific and ethical aspects of human subjects research. The major objectives of the HSRB are to provide advice and recommendations on: (1) Research proposals and protocols that include human subjects; (2) reports of completed research with human subjects; and (3) how to strengthen EPA's programs for protection of human subjects of research. The HSRB reports to the EPA Administrator through EPA's Science Advisor. General information concerning the HSRB, including its charter, current membership, and activities can be found on the EPA Web site at *http://www.epa.gov/osa/hsrb/.*

HSRB members serve as special government employees or regular government employees. Members are appointed by the EPA Administrator for either two or three year terms with the possibility of reappointment for additional terms, with a maximum of six years of service. The HSRB usually meets up to four times a year and the typical workload for HSRB members is approximately 25 to 30 hours per meeting, including the time spent at the meeting. Responsibilities of HSRB members include reviewing extensive background materials prior to meetings of the Board, preparing draft responses to Agency charge questions, attending Board meetings, participating in the discussion and deliberations at these meetings, drafting assigned sections of meeting reports, and helping to finalize Board reports. EPA compensates special government employees for their time and provides reimbursement for travel and other incidental expenses associated with official government business. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

The qualifications of nominees for membership on the HSRB will be assessed in terms of the specific expertise sought for the HSRB. Qualified nominees who agree to be considered further will be included in a ''Short List''. The Short List of nominee names and biographical sketches will be posted for 14 calendar days for public comment on the HSRB Web site: *http://www.epa.gov/osa/hsrb/index.htm.* The public will be encouraged to provide additional information about the nominees that EPA should consider. At the completion of the comment period, EPA will select new Board members from the Short List. Candidates not selected for HSRB membership at this time may be considered for HSRB membership as vacancies arise in the future or for service as consultants to the HSRB. The Agency estimates that the names of Short List candidates will be posted in June 2014. However, please be advised that this is an approximate time frame and the date is subject to change. If you have any questions concerning posting of Short List candidates on the HSRB Web site, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

Members of the HSRB are subject to the provisions of 5 CFR Part 2634, Executive Branch Financial Disclosure, as supplemented by the EPA in 5 CFR Part 6401. In anticipation of this requirement, each nominee will be asked to submit confidential financial information that fully discloses, among other financial interests, the candidate's employment, stocks and bonds, and where applicable, sources of research support. The information provided is strictly confidential and will not be disclosed to the public. Before a candidate is considered further for service on the HSRB, EPA will evaluate each candidate to assess whether there is any conflict of financial interest, appearance of a lack of impartiality, or

prior involvement with matters likely to be reviewed by the Board.

Nominations will be evaluated on the basis of several criteria, including: The professional background, expertise and experience that would contribute to the diversity of perspectives of the committee; interpersonal, verbal and written communication skills and other attributes that would contribute to the HSRB's collaborative process; consensus building skills; absence of any financial conflicts of interest or the appearance of a lack of impartiality, or lack of independence, or bias; and the availability to attend meetings and administrative sessions, participate in teleconferences, develop policy recommendations to the Administrator, and prepare recommendations and advice in reports.

Nominations should include a resume or curriculum vitae providing the nominee's educational background, qualifications, leadership positions in national associations or professional societies, relevant research experience and publications along with a short (one page) biography describing how the nominee meets the above criteria and other information that may be helpful in evaluating the nomination, as well as the nominee's current business address, email address, and daytime telephone number. Interested candidates may self-nominate.

To help the Agency in evaluating the effectiveness of its outreach efforts, nominees are requested to inform the Agency of how you learned of this opportunity.

Final selection of HSRB members is a discretionary function of the Agency and will be announced on the HSRB Web site at *http://www.epa.gov/osa/hsrb/index.htm* as soon as selections are made.

ADDRESSES: Submit your nominations by April 11, 2014, identified by Docket ID No. EPA–HQ–ORD–2014–0192, by any of the following methods:

Internet: *http://www.regulations.gov:* Follow the online instructions for submitting comments.

Email: *ORD.Docket@epa.gov.*

USPS Mail: ORD Docket, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

Hand or Courier Delivery: EPA Docket Center (EPA/DC), Room 3304, EPA West Building, 1301 Constitution Avenue NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–ORD–2014–0192. Deliveries are accepted from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information.

FOR FURTHER INFORMATION CONTACT: Jim Downing, Designated Federal Official, Office of the Science Advisor, Mail Code 8105R, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–2468, fax number: (202) 564–2070, email: *downing.jim@epa.gov.*

Dated: March 10, 2014.

Glenn Paulson,

Science Advisor.

[FR Doc. 2014–05907 Filed 3–17–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R05–OAR–2013–0825; FRL–9908–17–Region 5]

Michigan; Regional Haze State Implementation Plan; Petition for Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of action denying petition for reconsideration.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice of its response to a petition for reconsideration of a rule published in the **Federal Register** on December 3, 2012, addressing Clean Air Act regional haze planning requirements for the State of Michigan. The petition, submitted on January 17, 2013, on behalf of St. Marys Cement (SMC), asked EPA to reconsider its action promulgating emission limits representing best available retrofit technology for SMC's facility in Charlevoix, Michigan. EPA has denied the petition by action signed February 20, 2014, for reasons that EPA explains in the document denying SMC's petition.

DATES: Petitions for review must be filed by May 19, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2013–0825, which includes the petition for reconsideration, EPA's response, and other related documents. All documents are listed on the *www.regulations.gov* Web site. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone John Summerhays, Environmental Scientist, at (312) 886–6067 before visiting the Region 5 office.

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

SUPPLEMENTARY INFORMATION: This action pertains to a particular facility in Charlevoix, Michigan, and is not based on a determination of nationwide scope or effect. Thus, under section 307(b)(1) of the Clean Air Act, any petitions for review of EPA's action denying the SMC petition for reconsideration must be filed in the Court of Appeals for the Sixth Circuit on or before May 19, 2014.

Dated: March 6, 2014.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2014–05905 Filed 3–17–14; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: 2014–6005]

Agency Information Collection Activities; Proposals Submissions, and Approvals

AGENCY: Export-Import Bank of the United States.

ACTION: Notice and request for public comments. Request for OMB review and extension of approval.

Form Title: EIB 11–01: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

SUMMARY: The Export-Import Banks of the United States (Ex-Im Bank), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery,'' for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.) This collection was developed as part of the Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery. This is the notice of our intent to submit this collection to OMB for the extension of approval. We are soliciting comments on the specific aspects for the proposed information collection.

A copy of the draft supporting statement is available at

www.regulations.gov (see Docket ID 2014–0019).

DATES: Comments must be received on or before May 19, 2014 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV*. Direct comments to Docket ID EIB–2014–0019. By email to *Andy.Chang@exim.gov*, or by mail to Andy Chang, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

Comments submitted in response to this notice may be made available to the public through the *WWW.REGULATIONS.GOV*. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, 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. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Andy Chang, *andy.chang@exim.gov*.

SUPPLEMENTARY INFORMATION:

Title: EIB 11–01, Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: Extension of approval for a collection of information.

Type of Review: Extension.

Survey Type: Web based/email based survey; Feedback/Comment Evaluation Form; Detailed Mail Evaluation Form; Telephone; Focus Group.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Below we provide projected average estimates for the next three years:

Average Expected Annual Number of activities: 23.

Average number of Respondents per Activity: 1,102.

Annual responses: 25,350.

Frequency of Response: Once per request.

Average minutes per response: 8.

Burden hours: 3,375.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or

provide information to or for a Federal agency. This includes the time needed to review instructions; 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.

All written comments will be available for public inspection Regulations.gov.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Alla Lake,

Agency Clearance Officer.

[FR Doc. 2014–05862 Filed 3–17–14; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Sunshine Act Meeting

ACTION: Notice of an Open Meeting of the Board of Directors of the Export-Import Bank of the United States. This notice replaces the notice of the partially open meeting of March 19, 2014 which has subsequently been cancelled.

TIME AND PLACE: Thursday, March 27, 2014 at 9:30 a.m. The meeting will be held at Ex-Im Bank in Room 321, 811 Vermont Avenue NW., Washington, DC 20571.

OPEN AGENDA ITEM: Item No. 1 Ex-Im Bank Sub-Saharan Advisory Committee for 2014 (New Members)

PUBLIC PARTICIPATION: The meeting will be open to public observation for Item No. 1 only.

FURTHER INFORMATION: Members of the public who wish to attend the meeting should call Joyce Stone, Office of the Secretary, 811 Vermont Avenue NW., Washington, DC 20571 (202) 565–3336 by close of business Tuesday, March 25, 2014.

Kalesha Malloy,

Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2014–06086 Filed 3–14–14; 4:15 pm]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

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 Communication Commission (FCC or 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 OMB 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 OMB control number.

DATES: Written comments should be submitted on or before April 17, 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 contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0850.

Title: Quick-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted and Commercial Operator, and General Mobile Radio Services, FCC Form 605.

Form No.: FCC Form 605.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; business or other for-profit; not-for-profit institutions; state, local or tribal government.

Number of Respondents/Responses: 130,000 respondents; 130,000 responses.

Estimated Time per Response: .44 hours.

Frequency of Response: On occasion reporting requirement; third party disclosure requirement, recordkeeping & other (5 & 10 years).

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 CFR 1.913(a)(4).

Total Annual Burden: 57,200 hours.

Total Respondent Cost: $2,676,700.

Privacy Act Impact Assessment: Yes.

Nature and Extent of Confidentiality: In general there is no need for confidentiality. The Commission is required to withhold from disclosure certain information about the individual such as date of birth or telephone number.

Needs and Uses: FCC Form 605 application is a consolidated application form for Ship, Aircraft, Amateur, Restricted and Commercial Radio Operators, and General Mobile Radio Services and is used to collect licensing data for the Universal Licensing System. The Commission is making minor clarifications to the instructions on the main form and

schedules B and E for clarification purposes. The Commission is requesting OMB approval for the revisions to the form and schedules.

The data collected on this form includes the Date of Birth for Commercial Operator licensees however this information will be redacted from public view.

The FCC uses the information in FCC Form 605 to determine whether the applicant is legally, technically, and financially qualified to obtain a license. Without such information, the Commission cannot determine whether to issue the licenses to the applicants that provide telecommunication services to the public, and therefore, to fulfill its statutory responsibilities in accordance with the Communications Act of 1934, as amended. Information provided on this form will also be used to update the database and to provide for proper use of the frequency spectrum as well as enforcement purposes.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–05916 Filed 3–17–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Performance Review Board; Appointment

As required by the Civil Service Reform Act of 1978 (Pub. L. 95–454), Chairman Thomas Wheeler appointed the following executive to the Performance Review Board (PRB): Diane Cornell.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–05942 Filed 3–17–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request Re: Retail Foreign Exchange Transactions

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. chapter 35), the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. As part of its continuing effort to reduce paperwork and respondent burden, the FDIC invites the general public and other Federal agencies to take this opportunity to comment on renewal of its information collection entitled *Retail Foreign Exchange Transactions* (OMB No. 3064–0182). At the end of the comment period, any comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval.

DATES: Comments must be submitted on or before May 19, 2014.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Include the name of the collection in the subject line of the message.
- *Mail:* Leneta G. Gregorie (202–898–3719), Counsel, Room NYA–5050, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Leneta Gregorie, at the FDIC address above.

SUPPLEMENTARY INFORMATION: Proposal to renew without change the following currently approved collections of information:

Title: Retail Foreign Exchange Transactions.

OMB Number: 3064–0182.

Frequency of Response: Event generated.

Affected Public: Insured state nonmember banks and state savings associations.

Estimated Number of Respondents: 3 state nonmember banks; 1 service provider.

Estimated Time per Response: Various, ranging from one to 16 hours.

Estimated Annual Burden: reporting—48 hours; disclosure—5,326 hours; recordkeeping—664 hours.

Total Estimated Annual Burden: 6,038 hours.

General Description of Collection: FDIC regulations governing retail foreign exchange transactions are set forth at 12 CFR Part 349. The regulations prescribe appropriate requirements—including disclosure, recordkeeping, capital and margin, reporting, business conduct, and documentation requirements—for foreign currency futures, options on futures, and options that FDIC-supervised institutions engage in with retail customers. In addition, the regulations impose requirements on other foreign currency transactions that are functionally or economically similar, including so called ''rolling spot'' transactions that an individual enters into with a foreign currency dealer, usually through the internet or other electronic platform, to transact in foreign currency.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 12th day of March, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–05816 Filed 3–17–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank

holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 10, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *TriSummit Bancorp, Inc.,* to become a bank holding company by acquiring 100 percent of the outstanding shares of TriSummit Bank, both of Kingsport, Tennessee.

B. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *United Holding Company Inc.,* Springdale, Arkansas, to become a bank holding company upon the conversion of United Bank, Springdale, Arkansas, from a federal savings bank to a state-chartered bank.

Board of Governors of the Federal Reserve System, March 12, 2014.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2014–05853 Filed 3–17–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The FTC intends to ask the Office of Management and Budget (''OMB'') to extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance for information collection requirements contained in its Funeral Industry Practice Rule (''Funeral Rule'' or ''Rule''). That clearance expires on September 30, 2014.

DATES: Comments must be filed by May 19, 2014.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Paperwork Comment: FTC File No. P084401'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/funeralrulepra* 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 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements for the Funeral Rule should be directed to Craig Tregillus, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, *ctregillus@ftc.gov,* (202) 326–2970.

SUPPLEMENTARY INFORMATION: 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 Funeral Rule, 16 CFR part 453 (OMB Control Number 3084–0025). The Funeral Rule ensures that consumers who are purchasing funeral goods and services have access to accurate itemized price information so they can purchase only the funeral goods and services they want or need. In particular, the Rule requires a funeral provider to: (1) Give consumers a copy they can keep of the funeral provider's General Price List (''GPL'') that itemizes the goods and services they offer; (2) show consumers their Casket Price List (''CPL'') and their Outer Burial Container Price List (''OBCPL'') at the outset of any discussion of those items or their prices, and in any event before showing consumers caskets or burial containers;

(3) provide price information from their price lists over the telephone; and (4) give consumers a Statement of Funeral Goods and Services Selected (''SFGSS'') after determining the funeral arrangements with the consumer (the ''arrangements conference''). The Rule requires that funeral providers disclose this information to consumers and maintain records to facilitate enforcement of the Rule.

The estimated burden associated with the collection of information required by the Rule is 19,680 hours for recordkeeping, 102,021 hours for disclosure, and 39,360 hours for compliance training for a cumulative total of 161,061 hours. This estimate is based on the number of funeral providers (approximately 19,680),[1] the number of funerals per year (an estimated 2,513,171),[2] and the time needed to fulfill the information collection tasks required by the Rule.

Recordkeeping: The Rule requires that funeral providers retain for one year copies of price lists and statements of funeral goods and services selected by consumers. Based on a maximum average burden of one hour per provider per year for this task, the total burden for the 19,680 providers is 19,680 hours.

Disclosure: As noted above, the Rule requires that funeral providers: (1) Maintain current price lists for funeral goods and services, (2) provide written documentation of the funeral goods and services selected by consumers making funeral arrangements, and (3) provide information about funeral prices in response to telephone inquiries.

1. Maintaining accurate price lists may require that funeral providers revise their price lists occasionally (most do so once a year, some less frequently) to reflect price changes. Staff conservatively estimates that this task may require a maximum average burden of two and one-half hours per provider

[1] The estimated number of funeral providers is from 2012 data provided on the National Funeral Directors Association (''NFDA'') Web site (see *http://nfda.org/about-funeral-service-/trends-and-statistics.html*).

[2] The estimated number of funerals conducted annually is derived from the National Center for Health Statistics (''NCHS''), *http://www.cdc.gov/nchs/*. According to NCHS, 2,513,171 deaths occurred in the United States in 2011, the most recent year for which final data is available. See National Vital Statistics Reports, vol. 61, no. 06, ''Deaths: Preliminary Data for 2011,'' *available at http://www.cdc.gov/nchs/data/nvsr/nvsr61/nvsr61_06.pdf.* Staff believes this is a conservative estimate because not all remains go to a funeral provider covered by the Rule (e.g., remains sent directly to a crematory that does not sell urns; remains donated to a medical school, etc.).

per year. Thus, the total burden for 19,680 providers is 49,200 hours.

2. Staff retains its prior estimate that 13% of funeral providers prepare written documentation of funeral goods and services selected by consumers specifically due to the Rule's mandate. The original rulemaking record indicated that 87% of funeral providers provided written documentation of funeral arrangements, even absent the Rule's requirements.[3] According to the rulemaking record, the 13% of funeral providers who did not provide written documentation prior to enactment of the Rule are typically the smallest funeral homes. The written documentation requirement can be satisfied through the use of a standard form, an example of which the FTC has provided to all funeral providers in its compliance guide.[4] Based on an estimate that these smaller funeral homes arrange, on average, approximately twenty funerals per year and that it would take each of them about three minutes to record prices for each consumer on the standard form, FTC staff estimates that the total burden associated with the written documentation requirement is one hour per provider, for a total of 2,558 hours [(19,680 funeral providers × 13%) × (20 statements per year x 3 minutes per statement)].

3. The Funeral Rule also requires funeral providers to answer telephone inquiries about the provider's offerings or prices. Information received in 2002 from the NFDA indicates that only about 12% of funeral purchasers make telephone inquiries, with each call lasting an estimated ten minutes.[5] Thus, assuming that the average purchaser who makes telephone inquiries places one call per funeral to determine prices,[6] the estimated burden is 50,263 hours (2,513,171 funerals per year × 12% × 10 minutes per inquiry). This burden likely will decline over time as consumers increasingly rely on the Internet for funeral price information.

In sum, the burden due to the Rule's disclosure requirements totals 102,021 hours (49,200 + 2,558 + 50,263).

Training: In addition to the recordkeeping and disclosure-related tasks noted above, funeral homes may also have training requirements specifically attributable to the Rule. Staff believes that annual training burdens associated with the Rule should be minimal because Rule compliance is generally included in continuing education requirements for state licensing and voluntary certification programs. Staff estimates that, industry-wide, funeral homes would incur no more than 39,360 hours related to training specific to the Rule each year. This estimate is consistent with staff's assumption for the current clearance that an ''average'' funeral home consists of approximately five employees (full-time and part-time employment combined), but with no more than four of them having tasks specifically associated with the Funeral Rule. Staff retains its estimate that each of the four employees per firm would each require one-half hour, at most, per year, for such training.[7] Thus, total estimated time for training is 39,360 hours (4 employees per firm × ½ hour × 19,680 providers).

Labor costs: Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. The hourly rates used below are averages.

Clerical personnel, at an hourly rate of $13.00,[8] can perform the recordkeeping tasks required under the Rule. Based on the estimated hours burden of 19,680 hours, estimated labor cost for recordkeeping is $255,840.

The two and one-half hours required of each provider, on average, to update price lists should consist of approximately one and one-half hours of managerial or professional time, at $38.42 per hour,[9] and one hour of clerical time, at $13.00 per hour, for a total of $70.63 per provider [($38.42 per hour × 1.5 hours) + ($13.00 per hour × 1 hour)]. Thus, the estimated total labor cost burden for maintaining price lists is $1,389,998 ($70.63 per provider × 19,680 providers).

The incremental cost to the 13% of small funeral providers who would not otherwise supply written documentation of the goods and services selected by the consumer, as previously noted, is 2,558 hours. Assuming managerial or professional time for these tasks at approximately $38.42 per hour, the associated labor cost would be $98,278.

As previously noted, staff estimates that 50,263 hours of managerial or professional time is required annually to respond to telephone inquiries about prices.[10] The associated labor cost at $38.42 per hour is $1,931,104.

Based on past consultations with funeral directors, FTC staff estimates that funeral homes will require no more than two hours of training per year of licensed and non-licensed funeral home staff to comply with the Funeral Rule,[11] with four employees of varying types each spending one-half hour on training. Applying the assumptions stated above,[12] FTC staff further assumes labor costing as follows for the affected employees' time for compliance training:

(a) Funeral service manager ($38.42 per hour); (b) non-manager funeral director ($25.19); (c) embalmer ($21.03 per hour); and (d) a clerical receptionist or administrative staff member, at $13 per hour.[13] This amounts to $960,778, cumulatively, for all funeral homes [($38.42 + $25.19 + $21.03 + $13) × ½

[3] In a 2002 public comment, the National Funeral Directors Association asserted that nearly every funeral home had been providing consumers with some kind of final statement in writing even before the Rule took effect. Nonetheless, in an abundance of caution, staff continues to retain its prior estimate based on the original rulemaking record.

[4] The compliance guide is available at *http://business.ftc.gov/documents/bus05-complying-funeral-rule.*

[5] No more recent information thus far has been available. The Commission invites submission of more recent data or studies on this subject.

[6] Although consumers who pre-plan their own arrangements may comparison shop and call more than one funeral home for pricing and other information, consumers making ''at need'' arrangements after a death are less likely to take the time to seek pricing information from more than one home. Many fail to seek any pricing information by telephone. Staff therefore believes that an average of one call per funeral is a conservative assumption.

[7] Funeral homes, depending on size and/or other factors, may be run by as few as one owner, manager, or other funeral director to multiple directors at various compensation levels. Extrapolating from past NFDA survey input, staff has theorized an ''average'' funeral home of approximately four employees (a funeral services manager, funeral director, embalmer, and a clerical receptionist) having tasks and training associated with Funeral Rule compliance. Compliance training for other employees (e.g., drivers, maintenance personnel, attendants) would not be necessary.

[8] *http://www.bls.gov/news.release/pdf/ocwage.pdf:* Bureau of Labor Statistics, Economic News Release, March 29, 2013, Table 1, ''National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2012.'' Clerical estimates are derived from the above source data, rounded upward, for ''receptionists and information clerks.''

[9] Bureau of Labor Statistics, ''May 2012 National Industry-Specific Occupational Employment and Wage Estimates,'' NAICS 812200—Death Care Services: *http://www.bls.gov/oes/current/naics4_812200.htm# 11–0000.*

[10] Although some funeral providers may permit staff who are not funeral directors to provide price information by telephone, the great majority reserve that task to a licensed funeral director.

[11] Rule compliance is generally included in continuing education requirements for licensing and voluntary certification programs. Moreover, as noted above, the FTC provides its compliance guide to all funeral providers at no cost, and it is available on the FTC Web site. *See supra* note 4. Additionally, the NFDA provides online guidance for compliance with the Rule: *http://www.nfda.org/onlinelearning-ftc.html.*

[12] *See* note 7 and accompanying text.

[13] Bureau of Labor Statistics, ''May 2012 National Industry-Specific Occupational Employment and Wage Estimates,'' NAICS 812200—Death Care Services: *http://www.bls.gov/oes/current/naics4_812200.htm# 11-0000* (mean hourly wages for funeral service manager, funeral director, embalmer). See *supra* note 8 and accompanying text regarding the mean hourly wage for ''receptionists and information clerks.''

hour per employee × 19,680 funeral homes].

The total labor cost of the three disclosure requirements imposed by the Funeral Rule is $3,419,380 ($1,389,998 + $98,278 + $1,931,104). The total labor cost for recordkeeping is $255,840. The total labor cost for disclosure, recordkeeping, and training is $4,635,998 ($3,419,380 for disclosure + $255,840 for recordkeeping + $960,778 for training).

Capital or other non-labor costs: The Rule imposes minimal capital costs and no current start-up costs. The Rule first took effect in 1984 and the revised Rule took effect in 1994, so funeral providers should already have in place necessary equipment to carry out tasks associated with Rule compliance. Moreover, most funeral homes already have access, for other business purposes, to the ordinary office equipment needed for compliance, so the Rule likely imposes minimal additional capital expense.

Compliance with the Rule, however, does entail some expense to funeral providers for printing and duplication of required disclosures. Assuming, as required by the Rule, that one copy of the general price list is provided to consumers for each funeral or cremation conducted, at a cost of 25¢ per copy,[14] this would amount to 2,513,171 copies per year at a cumulative industry cost of $628,293 (2,513,171 funerals per year[15] × 25¢ per price list). In addition, the funeral providers that furnish consumers with a statement of funeral goods and services solely because of the Rule's mandate will incur additional printing and copying costs. Assuming that those 2,558 providers (19,680 funeral providers × 13%) use the standard two-page form shown in the compliance guide, at twenty-five cents per copy, at an average of twenty funerals per year, the added cost burden would be $12,790 (2,558 providers × 20 funerals per year × 25¢). Thus, estimated non-labor costs total $641,083.

Request for Comment: Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the disclosure 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 providing the required information to consumers.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before May 19, 2014. Write ''Paperwork Comment: FTC File No. P084401'' 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 . . . 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), 16CFR 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] 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/funeralrulepra*, 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 ''Paperwork Comment: FTC File No. P084401'' 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 19, 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. 2014–05847 Filed 3–17–14; 8:45 am]

BILLING CODE 6750–01–P

[14] Although copies of the casket price list and outer burial container price list must be shown to consumers, the Rule does not require that they be given to consumers. Thus, the cost of printing a single copy of these two disclosures to show consumers is *de minimis,* and is not included in this estimate of printing costs. Moreover, the general price list need not exceed, and may be still shorter than, the two-page model provided in the compliance guide.

[15] *See* note 2 and accompanying text.

[16] 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).

FEDERAL TRADE COMMISSION

Agency Information Collection Activities;

Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice and request for comment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, the FTC is seeking public comments on its request to OMB for a three-year extension of the current PRA clearance for the information collection requirements contained in the Informal Dispute Settlement Procedures Rule. That clearance expires on March 31, 2014.

DATES: Comments must be received by April 17, 2014.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the

SUPPLEMENTARY INFORMATION section below.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Svetlana Gans, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room H–286, 600 Pennsylvania Ave. NW., Washington, DC 20580, (202) 326–3708.

SUPPLEMENTARY INFORMATION:

Title: Informal Dispute Settlement Procedures Rule (the Dispute Settlement Rule or the Rule), 16 CFR 703.

OMB Control Number: 3084–0113.

Type of Review: Extension of a currently approved collection.

Abstract: The Informal Dispute Settlement Procedures Rule (the Dispute Settlement Rule or the Rule) specifies the minimum standards which must be met by any informal dispute settlement mechanism (IDSM) that is incorporated into a written consumer product warranty and which the consumer must use before pursuing legal remedies under the Magnuson-Moss Warranty Act, 15 U.S.C. 2301 et seq. (Warranty Act or Act) in court. These minimum standards for IDSMs include requirements concerning the mechanism's structure (e.g., funding, staffing, and neutrality), the qualifications of staff or decision makers, the mechanism's procedures for resolving disputes (e.g., notification, investigation, time limits for decisions, and follow-up), recordkeeping, and annual audits. The Rule requires that IDSMs establish written operating procedures and provide copies of those procedures upon request. The Rule applies only to those firms that choose to be bound by it by requiring consumers to use an IDSM. A warrantor is free to set up an IDSM that does not comply with the Rule as long as the warranty does not contain a prior resort requirement.

On December 10, 2013, the Commission sought comment on the Rule's information collection requirements.[1] The Commission did not receive any comments. As required by OMB regulations, 5 CFR part 1320, the FTC is providing this second opportunity for public comment.

Likely Respondents: Warrantors (Automobile Manufacturers) and Informal Dispute Settlement Mechanisms

Estimated Annual Hours Burden: 8,318 hours (derived from (5,757 hours for recordkeeping + 1,919 hours for reporting + 642 hours for disclosures).

Estimated Number of Respondents, Estimated Average Burden per Respondent:

(a) Recordkeeping—IDSMs, 2, 30 minutes/case for 11,514 annual consumer cases;

(b) Reporting—IDSMs, 2, 10 minutes/case for 11,514 annual consumer cases; &

(c) Disclosures—Warrantors, 15, annual 30 hours; IDSMs, 2, 5 minutes/case for 2,303 consumer cases.

Frequency of Response: Periodic.

Total Annual Labor Cost: $161,000, rounded to nearest thousand.

Total Annual Capital or Other Non-Labor Cost: $314,000, rounded to the nearest thousand.

Request for Comments

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 17, 2014. Write ''Warranty Rules: Paperwork Comment, FTC File No. P044403'' 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, such as 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 . . . privileged or confidential,'' as discussed 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 are required to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). 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 comment online, or to send it to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/idsrpra2,* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov*, you also may file a comment through that Web site.

If you file your comment on paper, write ''Warranty Rules: Paperwork Comment, FTC File No. P044403'' 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 April 17, 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.shtm.*

Comments on the information collection requirements subject to review under the PRA should also be submitted to OMB. If sent by U.S. mail, address comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5167.

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2014–05844 Filed 3–17–14; 8:45 am]

BILLING CODE 6750–01–P

[1] *See* 78 FR 74142 (60-Day **Federal Register** Notice).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Parag Patel, D.O., Advocate Health Care Network d/b/a Advocate Health Care: Based on an investigation conducted by Advocate Health Care Network d/b/a Advocate Health Care (Advocate Health Care) and additional analysis conducted by ORI in its oversight review, ORI and Advocate Health Care found that Dr. Parag Patel, Cardiologist, Department of Medicine, Advocate Health and Hospitals Corporation d/b/a Advocate Lutheran General Hospital, Park Ridge, Illinois, engaged in research misconduct in research supported by National Heart, Lung, and Blood Institute (NHLBI), National Institutes of Health (NIH), grant U01 HL089458.

ORI and Advocate Health Care found that the Respondent engaged in research misconduct by directing or intimidating fellows and others to influence left ventricular ejection fraction (LVEF) scores of ≤ 35% and requesting attending physicians to reassess scores of LVEF to be reported as ≤ 35% for research subjects after being diagnosed with acute myocardial infarction, thereby causing and being responsible for falsification of research records. These falsifications made subjects eligible for enrollment into the ''Vest Prevention of Early Sudden Death Trial'' (VEST) when they otherwise may not have been eligible.

The Respondent, Advocate Health Care, and the U.S. Department of Health and Human Services (HHS) want to conclude this matter without further expenditure of time or other resources and have entered into a Voluntary Settlement Agreement (Agreement) to resolve this matter. Respondent neither admits nor denies ORI's and Advocate Health Care's findings of research misconduct. This settlement does not constitute an admission of liability on the part of the Respondent.

Dr. Patel has voluntarily agreed for a period of two (2) years, beginning on February 21, 2014:

(1) To have any U.S. Public Health Service (PHS)-supported research in which he is involved be supervised; Respondent agreed that prior to the submission of an application for PHS support for a research project on which the Respondent's participation is proposed and prior to Respondent's participation in any capacity on PHS-supported research, Respondent shall ensure that a plan for supervision of Respondent's duties is submitted to ORI for approval; the supervision plan must be designed to ensure the scientific integrity of Respondent's research contribution as outlined below; Respondent agreed that he shall not participate in any PHS-supported research until such a supervision plan is submitted to and approved by ORI; Respondent agreed to maintain responsibility for compliance with the agreed-upon supervision plan;

(2) That the requirements for Respondent's supervision plan are as follows:

- A committee of two to three qualified physicians at the institution's discretion, who are familiar with Respondent's field of research, but not including Respondent's supervisor or collaborators, will provide oversight and guidance; the committee will review primary data from Respondent's participation in PHS-supported research on a quarterly basis and submit a report to ORI at six (6) month intervals setting forth the committee's meeting dates, Respondent's compliance with appropriate research standards, and confirming the integrity of Respondent's research contribution; and
- The committee will conduct an advance review of any PHS grant applications (including supplements, resubmissions, etc.), manuscripts reporting PHS-funded research submitted for publication, and abstracts; the review will include a discussion with Respondent of the primary data represented in those documents and will include a certification to ORI that the data presented in the proposed application/publication are supported by the research record;

(3) That any institution employing him shall submit, in conjunction with each application for PHS funds, or report, manuscript, or abstract involving PHS-supported research in which Respondent is involved, a certification to ORI that the data provided by Respondent are based on actual experiments or are otherwise legitimately derived and that the data, procedures, and methodology are accurately reported in the application, report, manuscript, or abstract; and

(4) To exclude himself voluntarily from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

FOR FURTHER INFORMATION CONTACT: Acting Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8800.

Donald Wright,

Acting Director, Office of Research Integrity.

[FR Doc. 2014–05921 Filed 3–17–14; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0263]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Requirements for the Importation of Nonhuman Primates into the United States—Revision—(OMB No. 0920–0263, expiration date: 4/30/2016)—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of Global Migration and Quarantine (DGMQ), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is submitting this revision to obtain authority to collect electronic information from importers/filers on nonhuman primate and nonhuman primate products over which CDC has authority, notably those found in 42 CFR part 71. This request is consistent with requirements of the Security and Accountability for Every (SAFE) Port Act that states that all agencies that require documentation for clearing or licensing the importation and exportation of cargo participate in the International Trade Data System (ITDS), and is also consistent with CDC authorities under Section 361 of the Public Health Service Act (PHSA) (42 U.S.C. 264).

This electronic data is specified by CDC using Partner Government Agency (PGA) Message Sets and is collected by Customs and Border Protection (CBP) from importers/filers when they submit the information needed through International Trade Data System ITDS and the Automated Commercial Environment (ITDS/ACE) to clear an import. CDC has developed a PGA message set for each regulated import specified in 42 CFR part 71, and each PGA Message Set includes only those data requirements necessary in order to determine whether or not a CDC-regulated import poses a risk to public health and that the importer has met CDC's regulatory requirements for entry. CDC included the PGA Message Sets for review because there is no set form or format for the electronic submission of import related data to CBP and CDC. CDC is permitted access to the Automated Commercial Environment (ACE) data pursuant to 6 CFR 29.8(b) and 49 CFR 1520.11(b), which permit federal employees with a need to know to have access to this data.

CDC is maintaining its authority to collect hard copies of required documentation, as currently authorized by the Office of Management and Budget, because the use of ITDS/ACE will not be required for imports entering the United States until a later date. CDC will accept both hard copy and electronic filing of import-related documentation until the use of ACE is required for cargo entering the United States.

Through this revision, CDC is requesting a net increase in the estimated number of burden hours in the amount of 798 hours. Of these additional hours, 608 hours pertain to requests for CDC Message Set data via ITDS/ACE, and 190 hours pertain to required statements/documentation of products being rendered non-infectious.

CDC is maintaining its authority to collect hard copies of required documentation, as currently authorized by the Office of Management and Budget (OMB), because the use of ITDS/ACE will not be required for imports entering the United States until a later date. CDC will accept both hard copy and electronic filing of import-related documentation until the use of ACE is required for cargo entering the United States.

Respondents to this data collection have not changed and remain new and registered importers of live nonhuman primates and importers of nonhuman primate products. The number of additional hours requested for this information collection total 798 hours. The total burden for this information collection request is 943 hours. There are no costs to respondents except for their time to complete the forms, and complete and submit data and documentation.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name/CFR reference	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Nonhuman Primate Importer	CDC 75.10A Application for Registration as an Importer of Nonhuman Primates (New Importer).	1	1	10/60	1
Nonhuman Primate Importer	CDC 75.10A Application for Registration as an Importer of Nonhuman Primates (Re-Registration).	12	1	10/60	2
Nonhuman Primate Importer	71.53(g)(1)(iii) and (h) Documentation and Standard Operating Procedures (no form) (New Importer).	1	1	10	10
Nonhuman Primate Importer	71.53(g)(1)(iii) and (h) Documentation and Standard Operating Procedures (no form) (Registered Importer).	12	1	30/60	6
Nonhuman Primate Importer	Recordkeeping and reporting requirements for importing NHPs: Notification of shipment arrival 71.53(n) (no form).	25	6	15/60	38
Nonhuman Primate Importer	Quarantine release 71.53(l) (No form).	25	6	15/60	38
Nonhuman Primate Importer	71.53 (v) Form: Filovirus Diagnostic Specimen Submission Form for Non-human Primate Materials.	10	15	20/60	50
Importer/Filer	CDC Partner Government Agency Message Set for Importing Live Nonhuman Primates.	150	1	15/60	38
Importer/Filer	CDC Partner Government Agency Message Set for Importing Nonhuman Primate Products.	2,280	1	15/60	570
Importer/Filer	Documentation of Non-infectiousness 71.53(t).	2,280	1	5/60	190
Total					943

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. 2014–05880 Filed 3–17–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Federal Strategic Action Plan on Services for Victims of Human Trafficking: Enhancing the Health Care System's Response to Human Trafficking

OMB No.: New Collection

Description:

In 2013, the U.S. Department of Health and Human Services co-chaired an inter-agency process with the Departments of Justice and Homeland Security to create the first Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States. The Plan addresses the needs for the implementation of coordinated, effective, culturally appropriate and trauma informed care for victims of human trafficking. The purpose of this initiative is to develop a pilot training project that will strengthen the health systems' response to human trafficking in four key ways

1. Increase knowledge about human trafficking among health care providers;

2. Build the capacity of health care providers to deliver culturally appropriate and trauma-informed care to victims of human trafficking;

3. Increase the identification of victims of human trafficking; and

4. Increase services to survivors of human trafficking.

The evaluation will measure immediate outcomes, e.g., from pre-intervention to post-intervention, as well as intermediate outcomes at a 3 month post intervention.

Respondents:

The target audience for training and evaluation will be 200 health care providers from hospitals, clinics, and private health practices. The health care providers will be from federal, state/territorial, and local health departments, the Veterans' Administration, professional associations, and tribal institutions.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Pre-training survey	200	1	0.40	80.00
Post-training survey	200	1	0.40	80.00
Email Follow-up	200	1	0.40	80.00
Telephone Follow-up	40	1	0.40	16.00
				256.00

Estimated Total Annual Burden Hours: 256

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–05824 Filed 3–17–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0878]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Premarket Notification for a New Dietary Ingredient

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Premarket Notification for a New Dietary Ingredient'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: On November 25, 2013, the Agency submitted a proposed collection of information entitled ''Premarket Notification for a New Dietary Ingredient'' to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0330. The approval expires on February 28, 2015. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain*.

Dated: March 12, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–05876 Filed 3–17–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0373]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Preparing a Claim of Categorical Exclusion or an Environmental Assessment for Submission to the Center for Food Safety and Applied Nutrition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Preparing a Claim of Categorical Exclusion or an Environmental Assessment for Submission to the Center for Food Safety and Applied Nutrition'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On December 30, 2013, the Agency submitted a proposed collection of information entitled ''Preparing a Claim of Categorical Exclusion or an Environmental Assessment for Submission to the Center for Food Safety and Applied Nutrition'' to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0541. The approval expires on February 28, 2017. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: March 12, 2014.

Peter Lurie,

Acting Associate Commissioner for Policy and Planning.

[FR Doc. 2014–05848 Filed 3–17–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0223]

Humanitarian Device Exemption: Questions and Answers; Draft Guidance for Humanitarian Device Exemption Holders, Institutional Review Boards, Clinical Investigators, and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Humanitarian Device Exemption (HDE): Questions and Answers.'' This draft guidance answers commonly asked questions about humanitarian use devices (HUDs) and HDE applications. This guidance document reflects changes to the HDE program as a result of the Food and Drug Administration Safety and Innovation Act (FDASIA). This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by June 16, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance document entitled ''Humanitarian Device Exemption (HDE): Questions and Answers'' to the Division of Small Manufacturers, International and Consumer Assistance, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 4613, Silver Spring, MD 20993–0002 or the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–8149. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: 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; or Stephen Ripley, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION

I. Background

This draft guidance answers commonly asked questions about HUDs and HDE applications authorized under section 520(m) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360j(m)). Section 613 of FDASIA (Pub. L. 112–144), signed into law on July 9, 2012, amended section 520(m) of the FD&C Act. This draft guidance document reflects the changes in the HDE program as a result of FDASIA. Upon issuance as a final guidance document, this guidance will replace the existing HDE guidance entitled ''Guidance for Humanitarian Device Exemption Holders, Institutional Review Boards, Clinical Investigators, and Food and Drug Administration Staff—Humanitarian Device Exemption Regulation: Questions and Answers,'' issued on July 8, 2010, which was developed and issued prior to the enactment of FDASIA.

HUDs approved under an HDE cannot be sold for an amount that exceeds the costs of research and development, fabrication, and distribution of the device (i.e., for profit), except in certain circumstances. FDASIA expands the types of HDE-approved HUDs that are eligible to be sold for profit, subject to restrictions in section 520(m)(6) of the FD&C Act.

FDASIA also amends the definition of the annual distribution number (ADN). Under section 520(m)(6) of the FD&C Act, if FDA makes a determination that a HUD meets certain conditions, the HUD is permitted to be sold for profit after receiving HDE approval as long as the number of devices distributed in any

calendar year does not exceed the ADN that FDA determines for the device.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on commonly asked questions about HUDs and HDE applications. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by using the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov* or from CBER at *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm.*

To receive ''Humanitarian Device Exemption (HDE): Questions and Answers,'' you may either send an email request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 301–847–8149 to receive a hard copy. Please use the document number 1816 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in sections 520(m) and 515A (21 U.S.C. 360e-1) of the FD&C Act and 613(b) of FDASIA have been approved under OMB control number 0910–0661; the collections of information in 21 CFR part 803 have been approved under OMB control number 0910–0437; the collections of information in 21 CFR part 812 have been approved under OMB control number 0910–0078; the collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 814, subparts A, B, and C have been approved under OMB control number 0910–0231; the collections of information in 21 CFR parts 50 and 56 have been approved under OMB control number 0910–0755; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; the collections of information in 21 CFR part 814, subpart H have been approved under OMB control number 0910–0332; and the collections of information in 21 CFR 10.30 have been approved under OMB control number 0910–0183.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: March 12, 2014.

Peter Lurie,

Acting Associate Commissioner for Policy and Planning.

[FR Doc. 2014–05900 Filed 3–17–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0204]

Draft Guidance for Industry on Bioavailability and Bioequivalence Studies Submitted in New Drug Applications or Investigational New Drug Applications—General Considerations; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Bioavailability and Bioequivalence Studies Submitted in NDAs or INDs—General Considerations'' (draft BA and BE guidance for NDAs). The draft guidance provides recommendations to sponsors and/or applicants planning to include bioavailability (BA) and bioequivalence (BE) information for drug products in investigational new drug applications (INDs), new drug applications (NDAs), and NDA supplements. This draft guidance revises those parts of the March 2003 guidance entitled ''Bioavailability and Bioequivalence Studies for Orally Administered Drug Products—General Considerations'' relating to BA and BE studies for INDs, NDAs, and NDA supplements.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit written or electronic comments on the draft guidance by May 19, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Dakshina Chilukuri, Office of Clinical Pharmacology, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, Rm. 3177, Silver Spring, MD 20993–0002, 301–796–5008, or *OCP@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance entitled ''Bioavailability and Bioequivalence Studies Submitted in NDAs or INDs—General Considerations.'' The draft guidance provides recommendations to sponsors and/or applicants planning to include BA and BE information for drug products in INDs, NDAs, and NDA supplements. The draft guidance is applicable to orally administered drug products and may also be applicable to non-orally administered drug products when reliance on systemic exposure measures is suitable to document BA and BE (e.g., transdermal delivery systems and certain rectal and nasal drug products). The guidance should be helpful for applicants conducting BA and BE studies during the IND period for an NDA and also for applicants conducting BE studies during the postapproval period for certain changes to drug products that are the subject of

an NDA. This guidance document is not intended to provide recommendations on studies conducted in support of demonstrating comparability or biosimilarity for biological products licensed under section 351 of the Public Health Service Act (42 U.S.C. 262).

Studies to measure BA and/or establish BE of a product are important elements in support of INDs, NDAs, and NDA supplements. BA means the rate and extent to which the active ingredient or active moiety is absorbed from a drug product and becomes available at the site of action (21 CFR 320.1(a)). BA data provide an estimate of the fraction of the drug absorbed, as well as provide information related to the pharmacokinetics of the drug. BA for orally administered drug products can be documented by a systemic exposure profile obtained by measuring concentrations of active ingredients and/or active moieties over time and, when appropriate, active metabolites over time in samples collected from the systemic circulation as compared to that of a suitable reference.

BE means the absence of a significant difference in the rate and extent to which the active ingredient or active moiety in pharmaceutical equivalents or pharmaceutical alternatives becomes available at the site of drug action when administered at the same molar dose under similar conditions in an appropriately designed study (21 CFR 320.1(e)). Studies to establish BE between two products are important for certain formulation or manufacturing changes occurring during the drug development and postapproval stages. In BE studies, the systemic exposure profile of a test drug product is compared to that of a reference drug product.

In the **Federal Register** of March 19, 2003 (68 FR 13316), FDA announced the availability of a final guidance entitled ''Bioavailability and Bioequivalence Studies for Orally Administered Drug Products—General Considerations'' (March 2003 BA and BE guidance). Since the March 2003 guidance was issued, FDA has determined that separating guidances according to application type will be beneficial to sponsors. Thus, FDA is issuing this draft BA and BE guidance for NDAs, and has also issued a draft guidance entitled ''Bioequivalence Studies with Pharmacokinetic Endpoints for Drugs Submitted Under an ANDA'' (draft BE guidance for ANDAs) (December 5, 2013; 78 FR 73199). This draft BA and BE guidance for NDAs revises those parts of the March 2003 BA and BE guidance relating to BA and BE studies for INDs, NDAs, and NDA supplements. This draft guidance also provides additional information in the section on modified-release products, and adds new sections including the following topics: (1) Concomitant administration of drug products and combination drug products, (2) alcoholic beverage effects on modified-release dosage forms, (3) endogenous substances, and (4) drug products with high intrasubject variability. This draft guidance should be useful for applicants planning to conduct BA and/or BE studies during the IND period for submissions to an NDA, and BA and BE studies conducted in the postapproval period for certain changes in NDAs.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance represents the Agency's current thinking on conducting BA and BE studies for INDs and NDAs. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

II. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collection of information submitted under 21 CFR part 312 (investigational new drug applications) has been approved under OMB control number 0910–0014. The collection of information submitted under 21 CFR part 314 (new drug applications) has been approved under OMB control number 0910–0001.

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: March 12, 2014.

Peter Lurie,

Acting Associate Commissioner for Policy and Planning.

[FR Doc. 2014–05849 Filed 3–17–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Committee on Rural Health and Human Services; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of April 2014.

The National Advisory Committee on Rural Health will convene its seventy fifth meeting in the time and place specified below:

Name: National Advisory Committee on Rural Health and Human Services.

Dates and Time: April 28, 2014, 8:45 a.m.–5:30 p.m. April 29, 2014, 9:00 a.m.–5:00 p.m. April 30, 2014, 8:30 a.m.–10:30 a.m.

Place: University of Nebraska Medical Center, Michael F. Sorrell Center for Health Science Education, 649 South 42nd Street, Omaha, NE 68105, (402) 559–8550.

Status: The meeting will be open to the public.

Purpose: The National Advisory Committee on Rural Health and Human Services (the Committee) provides counsel and recommendations to the Secretary with respect to the delivery, research, development, and administration of health and human services in rural areas.

Agenda: Monday morning, at 8:45 a.m., the meeting will be called to order by the Chairperson of the Committee: the Honorable Ronnie Musgrove. The Committee will assess how rural residents are served by the new insurance coverage opportunities afforded by the Affordable Care Act. The Committee will also examine the issue of rural homelessness. The day will conclude with a period of public comment at approximately 5:00 p.m.

Tuesday morning at approximately 9:00 a.m., the Committee will break into Subcommittees and depart for site visits to health care and human services' providers in Iowa and Nebraska. One panel from the Health Subcommittee will visit Nemaha County Hospital in Auburn, Nebraska. Another panel from the Health Subcommittee will visit Myrtue Medical Center in Harlan, Iowa. The Human Services Subcommittee will visit the Northeast Nebraska Community Action Partnership, in Fremont, Nebraska. The day will conclude at the Sorrell Center for Health Science Education with a period

of public comment at approximately 5:15 p.m.

Wednesday morning at 8:30 a.m., the Committee will meet to summarize key findings and develop a work plan for the next quarter and the following meeting.

FOR FURTHER INFORMATION CONTACT: Steve Hirsch, MSLS, Executive Secretary, National Advisory Committee on Rural Health and Human Services, Health Resources and Services Administration, Parklawn Building, Room 5A–05, 5600 Fishers Lane, Rockville, MD 20857, telephone (301) 443–7322, fax (301) 443–2803.

Persons interested in attending any portion of the meeting should contact Kristen Lee at the Office of Rural Health Policy (ORHP) via telephone at (301) 443–6884 or by email at klee1@hrsa.gov. The Committee meeting agenda will be posted on ORHP's Web site *http://www.hrsa.gov/advisorycommittees/rural/*.

Dated: March 12, 2014.

Jackie Painter,

Deputy Director, Division of Policy and Information Coordination.

[FR Doc. 2014–05950 Filed 3–17–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NCI)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function 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.

DATES: Comments Due: Comments regarding this information collection are best assured of having their full effect if received by May 19, 2014.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Vivian Horovitch-Kelley, Office of Management Policy and Compliance, National Cancer Institute, 9609 Medical Center Drive, Bethesda, MD 20892–9760 or call non-toll-free number 240–276–6850 or Email your request *horovitchkellv@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION:

Proposed Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NCI), 0925–0642, Expiration Date 9/31/2014, EXTENSION, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: There are no changes being requested for this submission. The information collection activity is garnering qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. This generic provides information about the National Cancer Institute's customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. It also allows feedback to contribute directly to the improvement of program management. Feedback collected under this generic clearance provides useful information but it will not yield data that can be generalized to the overall population.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated burden hours are 8,750.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of collection	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Surveys	1000	1	30/60	500
In-Depth Interviews (IDIs) or Small Discussion Groups	500	1	90/60	750
Focus Groups	2000	1	90/60	3,000
Website or Software Usability Tests	3000	1	90/60	4,500

Dated: March 11, 2014.

Karla Bailey,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2014–05962 Filed 3–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 03, 2014, 02:00 p.m. to March 03, 2014, 05:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on February 25, 2014, 78 FR 10541 pg. 10541–10542.

The meeting will be held at the National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. The meeting will start on April 1, 2014

at 11:00 a.m. and end on April 1, 2014 at 1:00 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: March 11, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05871 Filed 3–17–14; 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: Aging, Cardiovascular Disorders and Capacity Building.

Date: April 3, 2014.

Time: 1:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259, *nadis@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Glioblastoma, Dementia and Multiple Sclerosis.

Date: April 4, 2014.

Time: 1:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259, *nadis@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: SIDS and BRAIN.

Date: April 7, 2014.

Time: 1:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259, *nadis@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: A Predictive Understanding of Cell Motility.

Date: April 8–9, 2014.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Paul Sammak, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6185, MSC 7892, Bethesda, MD 20892, 301–435–0601, *sammakpj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 13–008 Shared Instrumentation: Bioengineering Sciences.

Date: April 10, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ping Fan, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7840, Bethesda, MD 20892, 301–408–9971, *fanp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Molecular Neuroscience.

Date: April 14, 2014.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Laurent Taupenot, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4811, MSC 7850, Bethesda, MD 20892, 301–435–1203, *taupenol@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 11, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05872 Filed 3–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and 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 Heart, Lung, and Blood Institute Special Emphasis Panel; Basic Research in the Pathogenesis of HIV-Related Heart, Lung and Blood Diseases (R01).

Date: April 16, 2014.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Tony L Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725, *creazzotl@mail.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Basic Research in the Pathogenesis of HIV-Related Heart, Lung and Blood Diseases (R21).

Date: April 16, 2014.

Time: 1:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Tony L Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725, *creazzotl@mail.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute, Special Emphasis Panel; Clinical Research in Prevention, Diagnosis,

and Treatment of HIV-Related Heart, Lung and Blood Diseases.

Date: April 18, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal Gateway Marriott 1700 Jefferson Davis Highway Arlington, VA 22202.

Contact Person: Tony L Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725, *creazzotl@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS).

Dated: March 11, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05868 Filed 3–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, April 02, 2014, 01:00 p.m. to April 02, 2014, 03:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on March 11, 2014, 79 FR 13660.

The meeting will be held on April 7, 2014, starting at 02:00 p.m. and ending at 03:30 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: March 11, 2014.

Michelle Trout,

Program Officer, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05870 Filed 3–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: April 15, 2014.

Open: 6:00 p.m. to 9:00 p.m.

Agenda: Continue the February Council meeting discussion on programmatic issues.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Room 9100, Bethesda, MD 20817.

Contact Person: Stephen C. Mockrin, Ph.D. Director, Division of Extramural Research Activities National Heart, Lung, and Blood Institute National Institutes of Health, 6701 Rockledge Drive, Room 7100, Bethesda, MD 20892 (301) 435–0260, *mockrins@nhlbi.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

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.

Information is also available on the Institute's/Center's home page: *www.nhlbi.nih.gov/meetings/nhlbac/index.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS).

Dated: March 11, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–05869 Filed 3–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Availability of Draft National Toxicology Program Technical Reports; Request for Comments; Notice of Meeting

SUMMARY: The National Toxicology Program (NTP) announces the availability of four draft NTP Technical Reports (TRs) scheduled for peer review: bromodichloroacetic acid, CIMSTAR 3800, green tea extract, and indole-3-carbinol. The peer-review meeting is open to the public. Registration is requested for both public attendance and oral comment and required to access the webcast. Information about the meeting and registration are available at *http://ntp.niehs.nih.gov/go/36051*.

DATES: *Meeting:* May 22, 2014, 8:30 a.m. to approximately 5:00 p.m. Eastern Daylight Time (EDT).

Document Availability: Draft TRs should be available by April 10, 2014, at *http://ntp.niehs.nih.gov/go/36051*.

Written Public Comment Submissions: Deadline is May 8, 2014.

Registration for Meeting, Oral Comments, and/or to View Webcast: Deadline is May 15, 2014. Registration to view the meeting via the webcast is required.

ADDRESSES:

Meeting Location: Rodbell Auditorium, Rall Building, NIEHS, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Meeting Web page: The draft TRs, preliminary agenda, registration, and other meeting materials are at *http://ntp.niehs.nih.gov/go/36051*.

Webcast: The URL for viewing webcast will be provided to those who register.

FOR FURTHER INFORMATION CONTACT: Dr. Yun Xie, NTP Designated Federal Official, Office of Liaison, Policy and Review, DNTP, NIEHS, P.O. Box 12233, MD K2–03, Research Triangle Park, NC 27709. Phone: (919) 541–3436, Fax: (301) 451–5455, Email: *yun.xie@nih.gov*. Hand Delivery/Courier: 530 Davis Drive, Room 2161, Morrisville, NC 27560.

SUPPLEMENTARY INFORMATION:

Meeting and Registration: The meeting is open to the public with time set aside for oral public comment; attendance at the NIEHS is limited only by the space available. Registration to attend the meeting in-person, provide oral comments, and/or view webcast is by May 15, 2014, at *http://ntp.niehs.nih.gov/go/36051*. Registration is required to view the webcast; the URL for the webcast will be provided in the email confirming registration. Visitor and security information for those attending in-person is available at *http://www.niehs.nih.gov/about/visiting/index.cfm*. Individuals with disabilities who need accommodation to participate in this event should contact Dr. Yun Xie at phone: (919) 541–3436 or email: *yun.xie@nih.gov*. TTY users should contact the Federal TTY Relay

Service at (800) 877–8339. Requests should be made at least five business days in advance of the event.

The preliminary agenda and draft TRs should be posted on the NTP Web site (*http://ntp.niehs.nih.gov/go/36051*) by April 10, 2014. Additional information will be posted when available or may be requested in hardcopy, see **FOR FURTHER INFORMATION CONTACT**. Following the meeting, a report of the peer review will be prepared and made available on the NTP Web site. Registered attendees are encouraged to access the meeting Web page to stay abreast of the most current information.

Request for Comments: The NTP invites written and oral public comments on the draft TRs. The deadline for submission of written comments is May 8, 2014, to enable review by the peer-review panel and NTP staff prior to the meeting. Registration to provide oral comments is by May 15, 2014, at *http://ntp.niehs.nih.gov/go/36051*. Public comments and any other correspondence on the draft TRs should be sent to the **FOR FURTHER INFORMATION CONTACT**. Persons submitting written comments should include their name, affiliation, mailing address, phone, email, and sponsoring organization (if any) with the document. Written comments received in response to this notice will be posted on the NTP Web site, and the submitter will be identified by name, affiliation, and/or sponsoring organization.

Public comment at this meeting is welcome, with time set aside for the presentation of oral comments on the draft TRs. In addition to in-person oral comments at the NIEHS, public comments can be presented by teleconference line. There will be 50 lines for this call; availability is on a first-come, first-served basis. The lines will be open from 8:30 a.m. until approximately 5:00 p.m. EDT on May 22, 2014, although oral comments will be received only during the formal public comment periods indicated on the preliminary agenda. The access number for the teleconference line will be provided to registrants by email prior to the meeting. Each organization is allowed one time slot per draft TR. At least 7 minutes will be allotted to each time slot, and if time permits, may be extended to 10 minutes at the discretion of the chair.

Persons wishing to make an oral presentation are asked to register online at *http://ntp.niehs.nih.gov/go/36051* by May 15, 2014, indicate whether they will present comments in-person or via the teleconference line, and indicate the TR(s) on which they plan to comment. If possible, oral public commenters should send a copy of their slides and/or statement or talking points at that time. Written statements can supplement and may expand the oral presentation. Registration for in-person oral comments will also be available at the meeting, although time allowed for presentation by on-site registrants may be less than that for registered speakers and will be determined by the number of speakers who register on-site.

Background Information on NTP Peer-Review Panels: NTP panels are technical, scientific advisory bodies established on an ''as needed'' basis to provide independent scientific peer review and advise the NTP on agents of public health concern, new/revised toxicological test methods, or other issues. These panels help ensure transparent, unbiased, and scientifically rigorous input to the program for its use in making credible decisions about human hazard, setting research and testing priorities, and providing information to regulatory agencies about alternative methods for toxicity screening. The NTP welcomes nominations of scientific experts for upcoming panels. Scientists interested in serving on an NTP panel should provide current *curriculum vitae* to the **FOR FURTHER INFORMATION CONTACT.** The authority for NTP panels is provided by 42 U.S.C. 217a; section 222 of the Public Health Service (PHS) Act, as amended. The panel is governed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: March 10, 2014.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2014–05895 Filed 3–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Start-Up Exclusive Patent License Agreement: Treatment of Breast Cancer, Prostate Cancer, Ewing Sarcoma, and Thymoma

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209 and 37 CFR part 404, that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of a Start-Up Exclusive Patent License Agreement to Paris Therapeutics, a company having a place of business in Santee, CA, to practice the inventions embodied in the following patent applications:

1. U.S. Provisional Patent Application. No. 61/474,664, filed April 12, 2011; HHS Ref. No.: E–068–2011/0–US–01; Titled: Human Monoclonal Antibodies that bind insulin-like growth factor (IGF) I and II; Inventors: Dimiter S. Dimitrov (NCI), Qi Zhao (NCI), and Zhongyu Zhu (NCI)
2. PCT Application No. PCT/US2012/033128, filed April 11, 2012; HHS Ref. No.: E–068–2011/0–PCT–02; Titled: Human Monoclonal Antibodies that bind insulin-like growth factor (IGF) I and II; Inventors: Dimiter S. Dimitrov (NCI), Qi Zhao (NCI), and Zhongyu Zhu (NCI)
3. U.S. Patent Application No. 14/111,507, filed October 11, 2013; HHS Ref. No.: E–068–2011/0–US–03; Titled: Human Monoclonal Antibodies that bind insulin-like growth factor (IGF) I and II; Inventors: Dimiter S. Dimitrov (NCI), Qi Zhao (NCI), and Zhongyu Zhu (NCI)

The patent rights in these inventions have been assigned to the Government of the United States of America. The territory of the prospective Start-Up Exclusive Patent License Agreement may be worldwide, and the field of use may be limited to ''Antibodies against Insulin-like Growth Factors IGF–I and IGF–II for the treatment of breast cancer, prostate cancer, Ewing sarcoma, and thymoma.''

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before April 2, 2014 will be considered.

ADDRESSES: Requests for copies of the patent application(s), inquiries, comments, and other materials relating to the contemplated Start-Up Exclusive Patent License Agreement should be directed to: Whitney A. Hastings, Ph.D., Licensing and Patenting Manager, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 451–7337; Facsimile: (301) 402–0220; Email: *hastingw@mail.nih.gov*. A signed confidentiality nondisclosure agreement will be required to receive copies of any patent applications that have not been published or issued by the United States Patent and Trademark Office or the

World Intellectual Property Organization.

SUPPLEMENTARY INFORMATION: This technology describes fully human monoclonal antibodies that have been affinity maturated against IGF–I and IGF–II and display extremely high affinities for IGF–I and IGF–II in the picoM range. Some of these antibodies potently inhibited signal transduction mediated by the IGF–1R interaction with IGF–I and IGF–II and blocked phosphorylation of IGF–IR and the insulin receptor. In addition, they inhibited migration in the MCF–7 breast cancer cell line at the picoM range. Therefore, these antibodies could be used to prevent binding of IGF–I and/or IGF–II to its concomitant receptor IGFIR, consequently, modulating diseases such as cancer.

The prospective Start-Up Exclusive Patent License Agreement is being considered under the small business initiative launched on October 1, 2011 and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR part 404. The prospective Start-Up Exclusive Patent License Agreement may be granted unless the NIH receives written evidence and argument, within fifteen (15) days from the date of this published notice, that establishes that the grant of the contemplated Start-Up Exclusive Patent License Agreement would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are filed in response to this notice will be treated as objections to the grant of the contemplated Start-Up Exclusive Patent License Agreement. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: March 14, 2014.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2014–05867 Filed 3–17–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0058]

Agency Information Collection Activities: Documents Required Aboard Private Aircraft

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Documents Required Aboard Private Aircraft. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before April 17, 2014 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (78 FR 77484) on December 23, 2013, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Documents Required Aboard Private Aircraft.

OMB Number: 1651–0058.

Form Number: None.

Abstract: In accordance with 19 CFR 122.27, a commander of a private aircraft arriving in the U.S. must present several documents to CBP officers for inspection. These documents include: (1) A pilot certificate/license; (2) a medical certificate; and (3) a certificate of registration, which is also called a ''pink slip'' and is a duplicate copy of the Aircraft Registration Application (FAA Form AC 8050–1). The information on these documents is used by CBP officers as an essential part of the inspection process for private aircraft arriving from a foreign country. These requirements are authorized by 19 U.S.C. 1433, as amended by Public Law 99–570.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours.

Type of Review: Extension (with change).

Affected Public: Individuals.

Estimated Number of Respondents: 120,000.

Estimated Number of Annual Responses: 120,000.

Estimated Time per Response: 1 minute.

Estimated Total Annual Burden Hours: 1,992.

Dated: March 12, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–05866 Filed 3–17–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2014–N046; FXES11130800000–145–FF08E00000]

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing recovery permits to conduct certain activities with endangered species.

DATES: Comments on these permit applications must be received on or before April 17, 2014.

ADDRESSES: Written data or comments should be submitted to the Endangered Species Program Manager, U.S. Fish and Wildlife Service, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825 (telephone: 916–414–6464; fax: 916–414–6486). Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, Fish and Wildlife Biologist; see **ADDRESSES** (telephone: 760–431–9440; fax: 760–431–9624).

SUPPLEMENTARY INFORMATION: The following applicants have applied for scientific research permits to conduct certain activities with endangered species under section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*). We seek review and comment from local, State, and Federal agencies and the public on the following permit requests.

Applicants

Permit No. TE–27452B

Applicant: Rick L. Perry, Bakersfield, California.

The applicant requests a permit to take (survey, capture, handle, mark, release, hold in captivity, and relocate) the Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*), giant kangaroo rat (*Dipodomys ingens*), Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*), Stephens' kangaroo rat (*Dipodomys stephensi*), and riparian woodrat (San Joaquin Valley woodrat) (*Neotoma fuscipes riparia*), in conjunction with survey and population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–27457B

Applicant: Naval Base Coronado, Coronado, California.

The applicant requests a permit to reduce and remove to possession (collect) the *Acmispon dendroideus* var. *traskiae* (San Clemente Island broom), *Castilleja grisea* (San Clemente Island paintbrush), *Delphinium variegatum* ssp. *Kinkiense* (San Clemente Island larkspur), *Lithophragma maximum* (San Clemente Island woodland star), *Malacothamnus clementinus* (San Clemente Island bush mallow), and *Sibara filifolia* (Santa Cruz Island woodland star) in conjunction with surveys, life history studies, seed production, and research activities throughout the range of each species on San Clemente Island and Santa Cruz Island within Los Angeles and Santa Barbara Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–797999

Applicant: Merkel & Associates, Inc., San Diego, California.

The applicant requests a permit renewal to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*), take (locate and monitor nests and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*), take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*), take (harass by survey, locate and monitor nests, capture, handle, weigh, band, color-band, and release) the California least tern (*Sternula antillarum browni*) (*Sterna a. b.*), take (harass by survey) the light-footed clapper rail (*Rallus longirostris levipes*), take (harass by survey, capture, handle, release, and collect specimens for vouchers and parasite analysis) the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*), take (harass by survey, capture, handle, and release) the tidewater goby (*Eucyclogobius newberryi*), and take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey, population monitoring, and research activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–27501B

Applicant: Travis Kegel, San Juan Capistrano, California.

The applicant requests a permit to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–27502B

Applicant: Patricia C. Schuyler, Vista, California.

The applicant requests a permit take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–213730

Applicant: Chad M. Young, Riverside, California.

The applicant requests a permit renewal and amendment to take (survey, capture, handle, and release) the Stephens' kangaroo rat (*Dipodomys stephensi*) in conjunction with surveys and population monitoring activities in Riverside and San Diego Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–054011

Applicant: John F. Green, Riverside, California.

The applicant requests a permit renewal to take (harass by survey, locate and monitor nests, and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the southwestern willow flycatcher (*Empidonax traillii extimus*), take (locate and monitor nests and remove brown-headed cowbird eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*), take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*), take (harass by survey) the Yuma

clapper rail (*Rallus longirostris yumanensis*), take (capture, handle, and release) the San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*), and take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey and population monitoring activities throughout the range of each species in California, Nevada, Utah, Colorado, Arizona, New Mexico, and Texas for the purpose of enhancing the species' survival.

Permit No. TE–797234

Applicant: LSA Associates, Incorporated, Point Richmond, California.

The applicant requests an amendment to a permit to take (survey and nest monitor) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with surveys, and population monitoring activities in Contra Costa, Alameda, Santa Clara, San Mateo, San Francisco, Marin, Sonoma, Napa and Solano Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–068799

Applicant: Mikael T. Romich, Yucaipa, California.

The applicant requests an amendment to a permit to take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–28769B

Applicant: Aaron I. Sunshine, Oakland, California.

The applicant requests a permit to take (harass by survey, capture, handle, and release) the California tiger salamander (Santa Barbara County Distinct Population Segment (DPS) and Sonoma County DPS) (*Ambystoma californiense*) in conjunction with survey and population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–28778B

Applicant: Emily L. Rice, San Diego, California.

The applicant requests a permit to take (harass by survey, locate and monitor nests, erect and use cameras to monitor nests, capture, handle, band, radio tag, hold for no more than 20 minutes and release, install and remove fence pens and radio tag (attach radio-transmitters to chicks) for the purposes of mark-recapture study, and transport sick or injured individuals and abandoned eggs) the California least tern (*Sternula antillarum browni*) (*Sterna a. b.*) in conjunction with survey and population studies on Marine Corps Base, Camp Pendleton, and Naval Base San Diego (including Naval Amphibious Base Coronado, Naval Air Station North Island, and Silver Strand Training Complex South) in California for the purpose of enhancing the species' survival.

Permit No. TE–023250

Applicant: Naval Base Coronado, Coronado, California.

The applicant requests a permit renewal to take (harass by survey and collect voucher specimens) the island night lizard (*Xantusia riversiana*) in conjunction with survey and population monitoring activities on San Clemente Island and San Nicholas Island in California for the purpose of enhancing the species' survival.

Permit No. TE–227185

Applicant: Andrew B. Eastty, San Diego, California.

The applicant requests a permit renewal to take (harass by survey, capture, band, and locate and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with survey activities throughout the range of the species in Arizona, New Mexico, and Texas; take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with survey activities throughout the range of the species in California; and remove/reduce to possession *Astragalus magdalenae* var. *peirsonii* (Peirson's milk-vetch) in conjunction with survey activities within Bureau of Land Management lands in Imperial County for the purpose of enhancing the species' survival.

Permit No. TE–116370

Applicant: Gage H. Dayton, Santa Cruz, California.

The applicant requests a permit renewal to take (capture, handle, mark, release, and collect voucher specimens) the Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*), take (capture, handle, mark, collect tissues samples, and release, and collect voucher specimens) the California tiger salamander (Santa Barbara County DPS and Sonoma County DPS) (*Ambystoma californiense*), and take (harass by survey, capture, handle, release, and collect voucher specimens) the tidewater goby (*Eucyclogobius newberryi*) in conjunction with surveys, research, and population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–063427

Applicant: Sarah C. Powell, Sacramento, California.

The applicant requests a permit renewal to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–093151

Applicant: Richard T. Rivas, Elk Grove, California.

The applicant requests a permit renewal to take (capture, collect, and collect vouchers) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and vernal pool tadpole shrimp (*Lepidurus packardi*), and take (capture, handle, and release) the California tiger salamander (Santa Barbara County DPS and Sonoma County DPS) (*Ambystoma californiense*) in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–073205

Applicant: Christina P. Sandoval, Goleta, California.

The applicant requests a permit renewal to take (harass by survey, locate and monitor nests, and use decoys and taped vocalizations) the California least tern (*Sternula antillarum browni*) (*Sterna a. b.*) in conjunction with survey and population monitoring activities in Santa Barbara County, California, for the purpose of enhancing the species' survival.

Permit No. TE–811894

Applicant: Samuel M. McGinnis, Manteca, California.

The applicant requests a permit renewal to take (survey, capture, handle, mark, measure, and release) the salt marsh harvest mouse (*Reithrodontomys raviventris*) and San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) in conjunction with survey activities, population monitoring, and research activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–076257

Applicant: County of San Luis Obispo, San Luis Obispo, California.

The applicant requests a permit renewal to take (locate, handle, measure, and release) the Morro shoulderband snail (*Helminthoglypta walkeriana*) in conjunction with surveys in San Luis Obispo County, California, for the purpose of enhancing the species' survival.

Permit No. TE–097516

Applicant: Thomas P. Ryan, Monrovia, California.

The applicant requests a permit to take (harass by survey, locate and monitor nests, erect nest exclosures, erect and use cameras to monitor nests, capture, handle, band, color band, float eggs, use decoys and acoustic playback, collect non-viable eggs, radio tag (attach radio-transmitters), hold for no more than 20 minutes and release, install and remove fence sampling pens, perform mark-recapture study, and transport sick or injured individuals and abandoned eggs) the California least tern (*Sternula antillarum browni*) (*Sterna a. b.*) in conjunction with surveys, population studies, and research activities on Marine Corps Base, Camp Pendleton, and Naval Base San Diego (including Naval Amphibious Base Coronado, Naval Air Station North Island, and Silver Strand Training Complex South) in California for the purpose of enhancing the species' survival.

Public Comments

We invite public review and comment on each of these recovery permit applications. Comments and materials we receive 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.

Michael Long,

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2014–05902 Filed 3–17–14; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–450 and 731–TA–1122 (Review)]

Laminated Woven Sacks From China

Determination

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty and countervailing duty orders on laminated woven sacks from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted these reviews on July 1, 2013 (78 FR 39319) and determined on October 21, 2013, that it would conduct expedited reviews (78 FR 68473, November 14, 2013).

The Commission completed and filed its determinations in these reviews on March 11, 2014. The views of the Commission are contained in USITC Publication 4457 (March 2014), entitled *Laminated Woven Sacks from China: Investigation Nos. 701–TA–450 and 731–TA–1122 (Review).*

By order of the Commission.

Issued: March 12, 2014.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014–05852 Filed 3–17–14; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Kieff did not participate in these determinations.

DEPARTMENT OF JUSTICE

[OMB Number 1121–0149]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: 2013 National Survey of Prosecutors (NSP–13)

AGENCY: Department of Justice, Bureau of Justice Statistics

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until May 19, 2014.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Steven W. Perry, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (phone: 202–307–0777).

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to

respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Reinstatement of the National Survey of Prosecutors, with changes, a previously approved collection for which approval has expired.

2. *The Title of the Form/Collection:* 2013 National Survey of Prosecutors (census).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is NSP–13. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* This information collection is a census of local prosecutor offices that handles felony cases in State courts. The Bureau of Justice Statistics (BJS) proposes to implement the next iteration of the National Survey of Prosecutors (NSP–13). Local prosecutors occupy a central and perhaps the most influential role in the criminal justice system seeking to ensure justice is served. Prosecutors represents the local government in deciding who is charged with a crime, the type and number of charges filed, whether or not to offer a plea, and providing sentencing recommendations for those convicted of crimes. Since 1990, the NSP has been the only recurring national statistical program that captures these administrative and operational characteristics of the prosecutorial function in the State criminal justice system. A goal of the NSP–13 is to obtain national statistics on local prosecutor office staffing and services, budgets, caseloads and convictions, use of DNA evidence, and disposition reporting to repositories. In addition, this study will collect data on the prevalence of human trafficking, cyber-crimes, identity theft, participation in specialty courts and diversion programs, youths in criminal courts and services provided on tribal lands by local prosecutor offices. These data will allow BJS to conduct trend analyses and comparisons with historical data. The information gathered in the NSP–13 will cover 2013.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,330 persecutor offices will take part in the National Survey of Prosecutors 2013. Based on pilot testing, as average of 60 minutes per respondent is needed to complete form NSP–13. The estimated range of burden for respondents is expected to be between 30 minutes to 1.5 hours for completion. The following factors were considered when creating the burden estimate: The estimated total number of prosecutor offices, the ability of offices to access or gather the data, and the case management systems capabilities generally found within the local prosecutor office. BJS estimates that nearly all of the approximately 2330 respondents will fully complete the questionnaire.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 2330 hours. It is estimated that respondents will take 1 hour to complete a questionnaire. The burden hours for collecting respondent data sum to 2330 hours (2330 respondents × 1 hours = 2330 hours).

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3W–1407B, Washington, DC 20530.

Dated: March 13, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–05910 Filed 3–17–14; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act

On March 12, 2014, the Department of Justice lodged a proposed Settlement Agreement with the United States Bankruptcy Court for the Southern District of New York in the bankruptcy proceeding entitled *In re Eastman Kodak Company, et al.,* No. 12–10202 (ALG).

Under the Settlement Agreement, Eastman Kodak Company (''Kodak'') and its affiliated debtors and reorganized debtors have agreed to allow the United States Environmental Protection Agency's claims under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601–75, for unreimbursed past and future response costs in connection with the Mercury Refining Superfund Site in Colonie and Guilderland, New York, in the amount of $1,644,445, and in connection with the Fair Lawn Well Field Superfund Site in the amount of $2,116,682. The Settlement Agreement also addresses the application and allocation of a portion of a federal income tax refund owed by the United States to Kodak as a setoff against a portion of these allowed amounts.

The Settlement Agreement contains a covenant not to sue Kodak from the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. 9609 and 9607.

The publication of this notice opens a period for public comment on the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In re Eastman Kodak Company,* Bankr. Case No. 12–10202 (ALG), D.J. Ref. No. 90–11–3–10545. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period the Settlement Agreement may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Settlement Agreement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $4.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–05887 Filed 3–17–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act

On March 12, 2014, the Department of Justice lodged a proposed Settlement Agreement with the United States Bankruptcy Court for the Southern District of New York in the bankruptcy proceeding entitled *In re Eastman Kodak Company, et al.,* No. 12–10202 (ALG). The Settlement Agreement is conditioned on the signing of the Funding Agreement incorporated by reference therein and attached thereto as Appendix 1 and the signing of the Memorandum of Agreement to which the Settlement Agreement refers.

Under this Settlement Agreement, Eastman Kodak Company (''Kodak'') has agreed to fund a trust in the total amount of $49,000,000 to allow the New York State Department of Environmental Conservation (''DEC'') to implement environmental response actions at the 1,200-acre Eastman Business Park (''EBP'') in Monroe County, New York, and the adjacent Genesee River, to address pre-existing contamination at these locations (''EBP Environmental Response Actions''). Pursuant to the Settlement Agreement and the Funding Agreement, DEC will fund, subject to appropriations, using funds from whatever source, the cost of EBP Environmental Response Actions above $49,000,000, up to $99,000,000, and DEC and Kodak will each pay 50% of the cost of EBP Environmental Response Actions above $99,000,000.

Under the Settlement Agreement, Kodak will also allow the United States Department of Interior's (''DOI'') and DEC's overlapping bankruptcy claims for natural resource damages in connection with the Genesee River in the amount of $7,163,000. The Settlement Agreement also addresses the application and allocation of a federal income tax refund owed by the United States to Kodak as a setoff to the allowed natural resource damages claim and certain United States Environmental Protection Agency (''EPA'') claims allowed under a separate agreement.

The Settlement Agreement contains covenants not to sue Kodak from the United States on behalf of EPA under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607, and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.,* except for Section 7003, 42 U.S.C. 6973, and from the United States on behalf of DOI under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607, with respect to the pre-existing contamination. In addition, the covenants being provided to Kodak will be extended to future transferees of property interests at EBP as long as certain conditions in the Settlement Agreement are met.

The publication of this notice opens a period for public comment on the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In re Eastman Kodak Company,* Bankr. Case No. 12–10202 (ALG), D.J. Ref. No. 90–11–3–10545. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email ...	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the Settlement Agreement, the Funding Agreement, and the Memorandum of Agreement may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Settlement Agreement, the Funding Agreement, and the Memorandum of Agreement upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $13.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–05815 Filed 3–17–14; 8:45 am]

BILLING CODE 4450–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (NIJ) Docket No. 1650]

Draft Reports and Recommendations Prepared by the Research Committee of the Scientific Working Group on Disaster Victim Identification

AGENCY: National Institute of Justice, JPO, DOJ.

ACTION: Notice and request for comments.

SUMMARY: In an effort to obtain comments from interested parties, the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, Scientific Working Group for Disaster Victim Identification will make available to the general public the following three draft documents: (1) ''Data Management: Guidelines for the Medicolegal Authority''; (2) ''Family Assistance Center: Guidelines for Medicolegal Authorities''; and (3) ''Molecular Biology Considerations for Human Identification in Mass Fatality Incidents''. The opportunity to provide comments on any or all of these documents is open to coroner/medical examiner office representatives, law enforcement agencies, organizations, and all other stakeholders and interested parties. Those individuals wishing to obtain the draft documents under consideration, and provide comments regarding them, are directed to the following Web site: *http://www.swgdvi.org.*

DATES: Comments must be received on or before April 7, 2014.

FOR FURTHER INFORMATION CONTACT: Patricia Kashtan, by telephone at 202–353–1856 [**Note:** this is not a toll-free telephone number], or by email at *Patricia.Kashtan@usdoj.gov.*

Greg Ridgeway,

Acting Director, National Institute of Justice.

[FR Doc. 2014–05893 Filed 3–17–14; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1651]

Meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention

AGENCY: Coordinating Council on Juvenile Justice and Delinquency Prevention.

ACTION: Notice of meeting.

SUMMARY: The Coordinating Council on Juvenile Justice and Delinquency Prevention announces its next meeting.

DATES: Wednesday, April 9, 2014, from 11:00 a.m. to 12:30 p.m. (Eastern Time).

ADDRESSES: The meeting will take place in the third floor main conference room at the U.S. Department of Justice, Office of Justice Programs, 810 7th St. NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Visit the Web site for the Coordinating Council at *www.juvenilecouncil.com* or contact Kathi Grasso, Designated Federal Official, OJJDP, by telephone at 202–616–7567 (not a toll-free number) or via email: *Kathi.Grasso@usdoj.gov,*. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The Coordinating Council on Juvenile Justice and Delinquency Prevention (''Council''), established by statute in the Juvenile and Delinquency Prevention Act of 1974, section 206(a) (42 U.S.C. 5616(a)), will meet to carry out its advisory functions. Documents such as meeting announcements, agendas, minutes, and reports will be available on the Council's Web page, *www.juvenilecouncil.gov* where you may also obtain information on the meeting.

Although designated agency representatives may attend, the Council membership consists of the Attorney General (Chair), the Administrator of the Office of Juvenile Justice and Delinquency Prevention (Vice Chair), the Secretary of Health and Human Services (HHS), the Secretary of Labor (DOL), the Secretary of Education (DOE), the Secretary of Housing and Urban Development (HUD), the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement. The nine additional members are appointed by the Speaker of the U.S. House of Representatives, the U.S. Senate Majority Leader, and the President of the United States. Other federal agencies take part in Council activities, including the Departments of Agriculture, Defense, Interior, and the Substance and Mental Health Services Administration of HHS.

Meeting Agenda: The agenda will include: (a) Welcome and introductions; (b) Presentations (update) and discussion regarding the Supportive School Discipline Initiative, a collaboration between the U.S. Departments of Education and Justice to support the use of school discipline practices that foster safe, supportive, and productive learning environments while keeping students in school; and (c) Council member announcements on programs or activities.

Registration: For security purposes, members of the public who wish to attend the meeting must pre-register online at *www.juvenilecouncil.gov* no later than Thursday, April 3, 2014. Should problems arise with web registration, contact Daryel Dunston at 240–221–4343 or send a request to register to Mr. Dunston. Please include name, title, organization or other affiliation, full address and phone, fax and email information and send to his attention either by fax to 301–945–4295, or by email to *ddunston@aeioonline.com*. Note that these are not toll-free telephone numbers. Additional identification documents may be required. Meeting space is limited.

Note: Photo identification will be required for admission to the meeting.

Written Comments: Interested parties may submit written comments and questions in advance by Thursday, April 3, 2014 to Kathi Grasso, Designated Federal Official for the Coordinating Council on Juvenile Justice and Delinquency Prevention, at *Kathi.Grasso@usdoj.gov*. Alternatively, fax your comments to 202–307–2819 and contact Joyce Mosso Stokes at 202–305–4445 to ensure that they are received. These are not toll-free numbers.

The Council expects that the public statements submitted will not repeat previously submitted statements. Written questions from the public are also invited at the meeting.

Dated: March 12, 2014.

Robert L. Listenbee,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2014–05892 Filed 3–17–14; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Federal Employees' Compensation; Proposed Extension of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Notice of Recurrences (CA–2a). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before May 19, 2014.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0701, fax (202) 693–1447, Email *ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background: The Office of Workers' Compensation Programs administers the Federal Employees' Compensation Act, (5 USC 8101, et seq.), which provides for continuation of pay or compensation for work related injuries or disease that result from federal employment. Regulation 20 CFR 10.104 designates form CA–2a as the form to be used to request information from claimants with previously-accepted injuries, who claim a recurrence of disability, and from their supervisors. The form requests information relating to the specific circumstances leading up to the recurrence as well as information about their employment and earnings.

The information provided is used by OWCP claims examiners to determine whether a claimant has sustained a recurrence of disability related to an accepted injury and, if so, the appropriate benefits payable. This information collection is currently approved for use through June 30, 2014.

II. Review Focus: The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
* enhance the quality, utility and clarity of the information to be collected; and
* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the approval for the extension of this currently approved information collection in order to ensure the accurate payment of benefits to current and former Federal employees with recurring work-related injuries.

Type of Review: Extension.

Agency: Office of Workers' Compensation Programs.

Title: Notice of Recurrences

OMB Number: 1240–0009.

Agency Number: CA–2a.

Affected Public: Individuals or households.

Total Respondents: 258.

Total Annual Responses: 258.

Average Time per Response: 30 minutes.

Estimated Total Burden Hours: 129.

Frequency: Annually.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $126.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 10, 2014.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, US Department of Labor.

[FR Doc. 2014–05981 Filed 3–17–14; 8:45 am]

BILLING CODE 4510–CH–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by April 17, 2014. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Polly Penhale, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7420.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

1. *Applicant:* Permit Application: 2014–030
   Prof. Chi-Hing Christina Cheng
   Department of Animal Biology, University of Illinois, Urbana-Champaign, IL

Activity for Which Permit Is Requested

ASPA, Import into USA: This permit would allow entry into ASPA 153 Eastern Dallmann Bay and ASPA 152 Western Bransfield Strait for the purpose of collecting a small number of icefish species via trawling and trapping for a study on freezing avoidance and evolutionary cold adaptation in Antarctic fishes. Some whole, frozen individuals as well as tissue samples would be imported back into the U.S.A. for physiological, biochemical, and molecular studies. Port of Entry is Port Hueneme, CA.

Location

Antarctic Specially Protected Area No. 153, Eastern Dallmann Bay; and Antarctic Specially Protected Area No. 152, Western Bransfield Strait (Area around Low Island).

Dates

June 21, 2014 to October 21, 2014.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–05881 Filed 3–17–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0045]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

Background

Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from March 5 to March 18, 2014. The last biweekly notice was published on March 4, 2014 (79 FR 12241).

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0045. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN–06–44M, U.S. Nuclear Regulatory

Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0045 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0045.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0045 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) the name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert

opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html*, by email to *MSHD.Resource@nrc.gov*, or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having

granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/;*, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to this license amendment application, see the application for amendment which is available for public inspection at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*.

Entergy Nuclear Operations, Inc., Docket No. 50–247, Indian Point Nuclear Generating, Unit 2, Westchester County, New York

Date of amendment request: January 16, 2014.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 5.5.7, ''Steam Generator (SG) Program,'' to exclude portions of the SG tube below the top of the SG tubesheet from periodic inspections and plugging by implementing the H* alternate repair criteria. In addition, TS 5.6.7, ''Steam Generator Tube Inspection Report,'' would also be revised to include additional reporting requirements.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change excludes the lower portion of steam generator tubes from inspection by implementing the alternate repair criteria H* and does not have a detrimental impact on the integrity of any plant structure, system, or component that initiates an analyzed event. The proposed change has no significant effect upon accident probabilities or consequences.

Of the applicable accidents previously evaluated, the limiting transients with consideration to the proposed change to the steam generator tube inspection and repair criteria are the steam generator tube rupture (SGTR), the main steam line break (MSLB), Locked Rotor and Control Rod Ejection.

At normal operating pressures, leakage from Primary Water Stress Corrosion Cracking (PWSCC) below the proposed limited inspection depth is limited by both the tube-to-tubesheet crevice and the limited crack opening permitted by the tubesheet constraint. Consequently, negligible normal operating leakage is expected from cracks within the tubesheet region.

For the SGTR event, the required structural integrity margins of the steam generator tubes and the tube-to-tubesheet joint over the H* distance will be maintained. Tube rupture in tubes with cracks within the tubesheet is precluded by the constraint provided by the tube-to-tubesheet joint. This constraint results from the hydraulic expansion process, thermal expansion mismatch between the tube and tubesheet, and from the differential pressure between the primary and secondary side. The structural margins against burst, as discussed in Regulatory Guide (RG) 1.121, ''Bases for Plugging Degraded PWR Steam Generator Tubes,'' (Reference 11) and NEI 97–06, ''Steam Generator Program Guidelines'' (Reference 3) are maintained for both normal and postulated accident conditions. Therefore, the proposed change results in no significant increase in the probability of the occurrence of a SGTR accident.

The probability of a Steam Line Break, Locked Rotor, and Control Rod Ejection are not affected by the potential failure of a SG tube, as the failure of a tube is not an initiator for any of these events. In the supporting Westinghouse analyses, leakage is modeled as flow through a porous medium via the use of the Darcy equation. The leakage model is used to develop a relationship between allowable leakage and leakage at accident conditions that is based on differential pressure across the tubesheet and the viscosity of the fluid. A leak rate ratio was developed to relate the leakage at operating conditions to leakage at accident conditions. The fluid viscosity is based on fluid temperature and it has been shown that for the most limiting accident, the fluid temperature does not exceed the normal operating temperature. Therefore, the viscosity ratio is assumed to be 1.0 and the leak rate ratio is a function of the ratio of the accident differential pressure and the normal operating differential pressure.

The leakage factor of 1.75 for IP2 for a-postulated MSLB, has been calculated as shown in the supporting Westinghouse analysis. IP2 [Indian Point Unit 2] will apply a factor of 1.75 to the normal operating leakage associated with the tubesheet expansion region in the Condition Monitoring Assessment and Operational Assessment. Through application of the limited tubesheet inspection scope, the administrative leakage limit of 75 gpd [gallons per day] provides assurance that excessive leakage (i.e., greater than accident analysis assumptions) will not occur. No leakage factor will be applied to the Locked Rotor or Control Rod Ejection due to their short duration, since the calculated leak rate ratio is less than 1.0. Therefore, the proposed change does not result in a significant increase in the consequences of these accidents.

For the Condition Monitoring Assessment, the component of leakage from the prior cycle from below the H* distance will be multiplied by a factor of 1.75 and added to the total leakage from any other source and compared to the allowable MSLB leakage limit. For the Operational Assessment, the difference in the leakage between the allowable leakage and the accident induced leakage from sources other than the tubesheet expansion region will be divided by 1.75 and compared to the observed operational leakage. As noted above, an administrative limit of 75 gpd has been established at IP2 to assure that the allowable accident induced leakage is not exceeded.

Based on the above, the performance criteria of NEI 97–06 and Regulatory Guide (RG) 1.121 continue to be met and the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change excludes the lower portion of steam generator tubes from inspection by implementing the alternate repair criteria (H*). The proposed change does not introduce any new equipment, create new failure modes for existing

equipment, or create any new limiting single failures resulting from tube degradation. The proposed change does not affect the design of the SGs or their method of operation. In addition, the proposed change does not impact any other plant system or component. Plant operation will not be altered, and all safety functions will continue to perform as previously assumed in accident analyses.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change defines the safety significant portion of the SG tubing that must be inspected and repaired. WCAP–17828–P identifies the inspection depth below which any type of degradation is shown to have no impact on the steam generator tube integrity performance criteria in NEI 97–06. The proposed change does not affect tube design or operating environment. The proposed change will continue to require monitoring of the physical condition of the SG tubes but will limit inspection within the tubesheet to the portion of the tube from the top of the tubesheet to a distance H* below the top of the tubesheet.

The proposed change maintains the required structural margins of the SG tubes for both normal and accident conditions. For axially oriented cracking located within the tubesheet, tube burst is precluded due to the presence of the tubesheet. For circumferentially oriented cracking, the supporting Westinghouse analyses define a length of degradation-free expanded tubing that provides the necessary resistance to tube pullout due to the pressure induced forces, with applicable safety factors applied. Application of the limited hot and cold leg tubesheet inspection criteria will preclude unacceptable primary to secondary leakage during all plant conditions. The MSLB leak rate factor for IP2 is 1.75. Multiplying the IP2 administrative leak rate limit of 75 gpd/SG by this factor shows that the primary-to-secondary leak rate during a postulated SLB is not exceeded.

Therefore, the proposed change does not involve a significant reduction in any margin of safety.

Based on the above, Entergy concludes that the proposed amendment to the Indian Point 2 Technical Specifications presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of 'no significant hazards consideration' is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeanne Cho, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Benjamin G. Beasley.

Entergy Nuclear Operations, Inc., Docket No. 50–255, Palisades Nuclear Plant, Van Buren County, Michigan

Date of amendment request: June 25, 2013, supplemented by letter dated August 7, 2013.

Description of amendment request: The proposed amendment would revise Palisades Nuclear Plant Site Emergency Plan (SEP) to increase the staff augmentation response times for certain Emergency Response Organization positions from 30 to 60 minutes. Entergy Nuclear Organization has reviewed the proposed changes against the standards in § 50.47(b) and the requirements in 10 CFR Part 50, Appendix E.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed extension of staff augmentation times has no effect on normal plant operation or on any accident initiator. The change affects the response to radiological emergencies under the Palisades Nuclear Plant SEP. The ability of the emergency response organization to respond adequately to radiological emergencies has been evaluated. Changes in the on-shift organization, such as the addition of staff and reassignment of key on-shift emergency response functions, provide assurance of emergency response without competing or conflicting duties. An analysis was also performed on the effect of the proposed change on the timeliness of performing major tasks for the major functional areas of the SEP. The analysis concluded that extension of staff augmentation times would not significantly affect the ability to perform the required tasks.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change affects the required response times for supplementing onsite personnel in response to a radiological emergency. It has been evaluated and determined not to significantly affect the ability to perform that function. It has no effect on the plant design or on the normal operation of the plant and does not affect how the plant is physically operated under emergency conditions. The extension of staff augmentation times in the SEP does not affect the plant operating procedures which are performed by plant staff during all plant conditions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not affect plant design or method of operation. Section 50.47(b) and 10 CFR Part 50, Appendix E establish emergency planning standards and requirements that require adequate staffing, satisfactory performance of key functional areas and critical tasks, and timely augmentation of the response capability. Since the SEP was originally developed, there have been improvements in the technology used to support the SEP functions and in the capabilities of onsite personnel. A functional analysis was performed on the effect of the proposed change on the timeliness of performing major tasks for the functional areas of SEP. The analysis concluded that an increase in staff augmentation times would not significantly affect the ability to perform the required SEP tasks. Thus, the proposed change has been determined not to adversely affect the ability to meet the emergency planning standards as described in 10 CFR 50.47(b) and requirements in 10 CFR Part 50, Appendix E.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Ave., White Plains, NY 10601.

NRC Branch Chief: Robert D. Carlson.

Entergy Nuclear Operations, Inc., Docket No. 50–255, Palisades Nuclear Plant, Van Buren County, Michigan

Date of amendment request: December 11, 2013.

Description of amendment request: The proposed amendment would modify Palisades Nuclear Plant technical specifications (TS) requirements for unavailable barriers by adding limiting condition for operation (LCO) 3.0.9. The changes are consistent with the NRC's approved industry/Technical Specification Task Force (TSTF) Standard Technical Specification (STS) change TSTF–427, ''Allowance for Non-Technical Specification Barrier Degradation on Supported System OPERABILITY,'' Revision 2.

Basis for proposed no significant hazards consideration determination: The licensee has affirmed the

applicability of the model proposed non-significant hazards consideration published on October 2, 2006 (71 FR 58444), as part of the Consolidated Line Item Improvement Process, ''Notice of Availability of the Model Safety Evaluation.'' The licensee has concluded that the findings presented in that evaluation are applicable to PNP and is hereby referenced below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change allows a delay time for entering a supported system technical specification (TS) when the inoperability is due solely to an unavailable barrier if risk is assessed and managed. The postulated initiating events which may require a functional barrier are limited to those with low frequencies of occurrence, and the overall TS system safety function would still be available for the majority of anticipated challenges. Therefore, the probability of an accident previously evaluated is not significantly increased, if at all. The consequences of an accident while relying on the allowance provided by proposed LCO 3.0.9 are no different than the consequences of an accident while relying on the TS required actions in effect without the allowance provided by proposed LCO 3.0.9. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Allowing delay times for entering supported system TS when inoperability is due solely to an unavailable barrier, if risk is assessed and managed, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns.

Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The proposed change allows a delay time for entering a supported system TS when the inoperability is due solely to an unavailable barrier, if risk is assessed and managed. The postulated initiating events which may require a functional barrier are limited to those with low frequencies of occurrence, and the overall TS system safety function would still be available for the majority of anticipated challenges. The risk impact of the proposed TS changes was assessed following the three-tiered approach recommended in RG 1.177. A bounding risk assessment was performed to justify the proposed TS changes. This application of LCO 3.0.9 is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The net change to the margin of safety is insignificant as indicated by the anticipated low levels of associated risk (ICCDP and ICLERP) as shown in Table 1 of Section 3.1.1 in the Safety Evaluation.

Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Ave., White Plains, NY 10601.

NRC Branch Chief: Robert D. Carlson.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit 1, Washington County, Nebraska

Date of amendment request: August 16, 2013.

Description of amendment request: The proposed amendment would revise the design basis method in the Fort Calhoun Station Updated Safety Analysis Report for controlling the raw water intake cell level during periods of elevated river levels.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed modification engineering change (EC) 55394, *Raw Water [RW] Pump Operation and Safety Classification of Components during a Flood,* installed intake cell flood water inlet valves at Fort Calhoun Station (FCS). The modification would employ the trash rack blowdown portion of the circulating water system to allow river water to flow into four of those pipes and then through four newly installed safety class valves for control of cell level (RW pump suction level) using river level as the driving force. This modification EC 55394 enhances the flood protection provided to the RW pumps for an external flooding event thus assuring the availability of the ultimate heat sink and core cooling. As such, the proposed change does not increase the consequences of an accident previously evaluated.

In addition, implementing this strategy eliminates the need for the exterior sluice gates to be safety class and allows for continuous control of the intake cell level during a design basis flood event. The proposed Updated Safety Analysis Report (USAR) changes for implementing modification EC 55394 allow for maintaining RW pump operation during a flooding event at FCS.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed modification EC 55394 to provide control of the intake cell level by operation of the manual valves and the associated USAR changes do not alter the safety limits or safety analysis assumptions associated with the operation of the plant. Hence, the proposed changes do not introduce any new accident initiators, nor do they reduce or adversely affect the capabilities of any plant structure or system in the performance of their safety function. The proposed amendment revises the USAR to include the necessary information to support the implementation of the modification allowing for maintaining RW pump operation during an abnormal operating procedure AOP–01 flooding event at FCS.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed modification, which provides control of the intake cell level by operation of the manual valves, and the associated USAR changes do not alter the safety limits or safety analysis assumptions associated with the operation of the plant. The proposed modification and associated USAR revisions ensure there is adequate protection to the RW pumps from an external flood hazard thus assuring adequate protection during a flood. Providing RW pump intake cell level control during flooding conditions allows for adjustment of flow and control of the intake cell level throughout the duration of the flood since the new valves are located inside the intake structure; thereby ensuring the RW pumps remain operable during a flood condition and will not adversely impact any margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are

satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David A. Repka, Esq., Winston & Strawn, 1700 K Street NW., Washington, DC 20006–3817.

NRC Branch Chief: Michael T. Markley.

Southern Nuclear Operating Company, Inc. Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: November 21, 2013.

Description of amendment request: The proposed change would amend Combined License Nos. NPF–91 and NPF–92 for the Vogtle Electric Generating Plant (VEGP) Units 3 and 4 by departing from the approved AP1000 Design Control Document (DCD) Tier 2 information as incorporated into the Updated Final Safety Analysis Report (UFSAR) to allow use of a new methodology to determine the effective thermal conductivity resulting from oxidation of the inorganic zinc (IOZ) used in the containment vessel coating system.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Implementation of a methodology which specifies an effective thermal conductivity and oxidation progression for the inorganic zinc coating of the containment vessel is used to eliminate non-mechanistic modeling of inorganic zinc thermal conductivity in the containment integrity analyses to show that the value for inorganic zinc thermal conductivity used in the containment integrity analyses is conservative, but is not used to change any of the parameters used in those analyses. There is no change to any accident initiator or condition of the containment that would affect the probability of any accident. The containment peak pressure analysis as reported in the UFSAR is not affected; therefore, the previously reported consequences are not affected.

Therefore, the proposed amendment does not involve an increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment to implement a methodology which specifies an effective thermal conductivity and oxidation progression and effects for the inorganic zinc coating of the containment vessel is used to eliminate non-mechanistic modeling of inorganic zinc thermal conductivity in the containment integrity analyses to show that the value for inorganic zinc thermal conductivity used in the containment integrity analyses is conservative, but is not used to change any of the parameters used in the containment peak pressure analysis. The change in methodology does not change the condition of containment; therefore, no new accident initiator is created. The containment peak pressure analysis as currently evaluated is not affected, and the consequences previously reported are not changed. The new methodology does not change the containment; therefore, no new fault or sequence of events that could lead to containment failure or release of radioactive material is created.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed implementation of a methodology which specifies an effective thermal conductivity and oxidation progression and effects for the inorganic zinc coating of the containment vessel is used to eliminate non-mechanistic modeling of inorganic zinc thermal conductivity in the containment integrity analyses to show that the value for inorganic zinc thermal conductivity used in the containment integrity analyses is conservative, but is not used to change any of the parameters used in the containment peak pressure analysis. The change in methodology does not change the condition of the containment and the integrity of the containment vessel is not affected. The containment peak pressure analysis as currently evaluated is not affected, and the consequences previously reported are not changed. No safety analysis or design basis acceptance limit/criterion is changed by the proposed change, thus no margin of safety is reduced.

Therefore, the proposed amendment does not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Lawrence J. Burkhart.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: December 6, 2013.

Description of amendment request: The amendment would add a new pipe crack exclusion allowance to Final Safety Analysis Report (FSAR) Standard Plant Section 3.6.2.1.2.4, ''ASME [American Society of Mechanical Engineers] Section III and Non-Nuclear Piping-Moderate-Energy,'' and FSAR Standard Plant Table 3.6–2, ''Design Comparison to Regulatory Positions of Regulatory Guide 1.46, Revision 0, dated May 1973, titled 'Protection Against Pipe Whip Inside Containment,' '' in particular regard to the high-density polyethylene (HDPE) piping installed in ASME Class 3 line segments of the essential service water (ESW) system. New Reference 25 would be added to FSAR Standard Plant Section 3.6.3 to cite the NRC-approved version of the HDPE requirements covered by Relief Request I3R–10.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

There are no new design changes associated with the proposed amendment. All design, material, and construction standards that were applicable prior to this amendment request, including those standards in place following the NRC approval of using the HDPE piping, will continue to be applicable.

The proposed change will not increase the likelihood of accident initiators or precursors or adversely alter the design assumptions, conditions, and configuration of the facility or the manner in which the plant is operated and maintained with respect to such initiators or precursors.

The proposed changes do not affect the way in which safety-related systems perform their functions.

All accident analysis acceptance criteria will continue to be met with the proposed changes. The proposed changes will not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. The proposed changes will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the FSAR.

The applicable radiological dose acceptance criteria will continue to be met.

Since the proposed change is based on a calculation that demonstrates that a moderate energy crack in the ESW HDPE piping is unlikely, there are no impacts on the plant's existing hazard analyses.

The proposed change does not physically alter safety-related systems or affect the way in which safety-related systems perform their functions per the intended plant design.

As such, the proposed change will not alter or prevent the capability of structures, systems, and components (SSCs) to perform their intended functions for mitigating the consequences of an accident and meeting applicable acceptance limits.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

With respect to any new or different kind of accident, there are no new design changes being proposed nor are there any changes in the method by which any safety-related plant SSC performs its specified safety function. The proposed change will not affect the normal method of plant operation. No new transient precursors will be introduced as a result of this amendment.

The HDPE piping design change was previously approved by the NRC under Relief Request I3R–10. The proposed change in this amendment request does not create the possibility of a new type of accident, rather the proposed change seeks to eliminate the need to postulate an existing type of hazard event (moderate energy piping leakage crack) for the subject HDPE piping which has been shown to experience such low stresses that such a crack, and the potential flooding for that hazard event, need not be postulated.

The change does not have a detrimental impact on the manner in which plant equipment operates or responds to an actuation signal.

The proposed change does not, therefore, create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

There will be no effect on those plant systems necessary to assure the accomplishment of protection functions associated with reactor operation or the reactor coolant system. The design factor (DF) of 0.50 discussed in ULNRC–05553 dated October 9, 2008 has not changed. This DF was approved by the NRC in Relief Request 13R–10 (Reference 6.2 to this Evaluation). There will be no impact on the overpower limit, departure from nucleate boiling ratio (DNBR) limits, heat flux hot channel factor (FQ), nuclear enthalpy rise hot channel factor (FΔH), loss of coolant accident peak cladding temperature (LOCA PCT), peak local power density, or any other limit and associated margin of safety. Required shutdown margins in the COLR [core operating limits report] will not be changed. The proposed change does not eliminate any surveillances or alter the frequency of surveillances required by the Technical Specifications.

As such, the proposed change does not involve a significant reduction in a margin of safety as defined in any regulatory requirement or guidance document.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street NW., Washington, DC 20037.

NRC Branch Chief: Michael T. Markley.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: November 21, 2013.

Description of amendment request: The amendment would revise the approved Fire Protection Program as described in the Updated Safety Analysis Report, based on the reactor coolant system thermal hydraulic response evaluation of a postulated control room fire, performed for changes to the alternative shutdown methodology.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The design function of structures, systems and components (SSCs) are not impacted by the proposed deviations from [10 CFR Part 50] Appendix R, Sections III.L.1 and III.L.2, and Calculation XX–E–013. The proposed changes to the approved fire protection program are based on the RCS [reactor coolant system] thermal-hydraulic response (Evaluation SA–08–006) for a postulated control room fire performed for changes to the alternative shutdown methodology outlined in letter SLNRC 84–0109, ''Fire Protection Review.'' Drawing E–1F9915, ''Design Basis Document for OFN RP–017, Control Room Evacuation,'' Revision 5, Evaluation SA–08–006, ''RETRAN–3D Post-Fire Safe Shutdown (PFSSD) Consequence Evaluation for a Postulated Control Room Fire,'' Revision 3, and Calculation WCNOC–CP–003, ''VIPRE–01 MDNBR Analyses of Control Room Fire Scenarios,'' Revision 0 demonstrate the adequacy of the revised alternative shutdown procedure, OFN RF–017. The proposed changes do not alter or prevent the ability of SSCs from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits.

Therefore, the probability of any accident previously evaluated is not increased. Equipment required to mitigate an accident remains capable of performing the assumed function.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes will not alter the requirement or function for systems required during accident conditions. The design function of structures, systems and components are not impacted by the proposed change. Evaluation SA–08–006 and Calculation WCNOC–CP–003 determined natural circulation is maintained and adequate core cooling is maintained. The fission product boundary integrity is not affected and safe shutdown capability is maintained.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

There will be no effect on the manner in which safety limits or limiting safety system settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions. The revised alternative shutdown methodology provides the ability to achieve and maintain safe shutdown in the event of a fire. Evaluation SA–08–006 and Calculation WCNOC–CP–003 determined natural circulation is maintained and adequate core cooling is maintained.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street NW., Washington, DC 20037.

NRC Branch Chief: Michael T. Markley.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: December 17, 2013.

Description of amendment request: The amendment would revise Technical Specification Surveillance Requirement (SR) 3.7.10.1 and SR 3.7.13.1 to reduce the required run time for periodic operation of the control room pressurization system filter trains and emergency exhaust system filter trains, with heaters on, from 10 hours to 15 minutes. The proposed amendment is consistent with plant-specific options provided in the NRC's model safety evaluation of Technical Specifications

Task Force (TSTF) Traveler TSTF–522–A, Revision 0, ''Revise Ventilation System Surveillance Requirements to Operate for 10 hours per Month.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change replaces existing Surveillance Requirements to operate the Control Room Emergency Ventilation System (CREVS) and the Emergency Exhaust System (EES) for a continuous 10 hour period with applicable heaters operating every 31 days, with requirements to operate these systems for 15 continuous minutes with applicable heaters operating every 31 days.

These systems are not accident initiators (i.e., their malfunction cannot initiate an accident or transient) and therefore, these changes do not involve a significant increase in the probability of an accident. The proposed system and filter testing changes are consistent with current regulatory guidance for these systems and will continue to assure that these systems perform their design function which may include mitigating accidents. Therefore, the change does not involve a significant increase in the consequences of an accident.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The change proposed for these ventilation systems does not change any system operations or maintenance activities. Testing requirements will be revised and will continue to demonstrate that the Limiting Conditions for Operation are met and the system components are capable of performing their intended safety functions. The change does not create new failure modes or mechanisms and no new accident precursors are generated.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The design basis for the ventilation system heaters in the EES and in the pressurization trains of the CREVS includes the capability to heat the incoming air, reducing the relative humidity (and thereby increasing adsorber efficiency). The heater testing change proposed will continue to demonstrate that the heaters are capable of heating the air and will thus perform their design function. The proposed change is consistent with regulatory guidance.

Therefore, it is concluded that this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street NW., Washington, DC 20037.

NRC Branch Chief: Michael T. Markley.

Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the NRC's Public Document Room (PDR), located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through the Agencywide Documents Access and Management System (ADAMS) in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr.resource@nrc.gov.*

Dominion Nuclear Connecticut, Inc., Docket No. 50–423, Millstone Power Station, Unit 3, New London County, Connecticut

Date of amendment request: October 4, 2012, as supplemented by letters dated January 4, April 17, and October 30, 2013.

Description of amendment request: The proposed amendment would modify Technical Specifications by relocating specific surveillance frequencies to a licensee controlled program with the adoption of Technical Specification Task Force (TSTF)-425, Revision 3, ''Relocate Surveillance Frequencies to Licensee Control—[Risk-Informed Technical Specification Task Force (RITSTF)] Initiative 5b.'' Additionally, the change would add a new program, the Surveillance Frequency Control Program (SFCP), to Technical Specification Section 6, Administrative Controls.

Date of issuance: February 25, 2014.

Effective date: As of the date of issuance, and shall be implemented within 90 days.

Amendment No.: 258.

Renewed Facility Operating License No. NPF–49: Amendment revised the License and Technical Specifications.

Date of initial notice in ***Federal Register:*** December 11, 2012 (77 FR 73687).

The supplemental letters dated January 4, 2013, April 17, 2013, and October 30, 2013, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 2014.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: April 16, 2013.

Brief description of amendments: The amendments remove superseded temporary Technical Specification (TS) requirements for McGuire Nuclear Station (MNS), Units 1 and 2, in accordance with a licensee commitment described in a May 28, 2010, license amendment request.

Date of issuance: February 28, 2014.

Effective date: This license amendment is effective as of its date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 272 and 252.

Renewed Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the licenses and technical specifications.

Date of initial notice in ***Federal Register:*** June 25, 2013 (78 FR 38081).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 28, 2014.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2 and 3, Oconee County, South Carolina

Date of application for amendments: February 22, 2013, as supplemented on September 10, October 25, November 29, and December 16, 2013.

Brief description of amendments: The amendments revise Technical Specification (TS) 3.4.3, to replace its current reactor coolant system pressure-temperature (P–T) limits with new P–T limits applicable to 54 effective full power years. In addition, the amendments change the operational requirements for unit heatup and cooldown in TS Tables 3.4.3–1 and 3.4.3–2.

Date of Issuance: February 27, 2014.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 384, 386, and 385.

Renewed Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: Amendments revised the license and the TSs.

Date of initial notice in ***Federal Register:*** April 16, 2013, 78 FR 22568.

The supplemental letters dated September 10, October 25, November 29, and December 16, 2013, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 27, 2014.

No significant hazards consideration comments received: No.

Duke Energy Progress Inc., Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina.

Date of application for amendments: June 19, 2012, as supplemented by letters dated January 21, May 14, and August 29, 2013, and January 22, 2014.

Brief description of amendments: The amendments revised the Technical Specification (TS) to extend the Completion Time (CT) of TS 3.8.1 Required Action D.4 for an inoperable diesel generator. A commensurate change is also made to extend the maximum CT of TS 3.8.1 Required Actions C.3 and D.4. The licensee will to add a supplemental AC power source (i.e., a supplemental diesel generator) with the capability to power any emergency bus within 1 hour from a Station Blackout event, and with the capacity to bring the affected unit to cold shutdown.

Date of issuance: February 24, 2014.

Effective date: As of the date of issuance and shall be implemented prior to startup from the 2014 Unit 1 refueling outage.

Amendment Nos.: 264 and 292.

Facility Operating License Nos. DPR–62 AND DPR–71: Amendments revised the License and TSs.

Date of initial notice in ***Federal Register:*** October 16, 2013 (77 FR 63346).

The supplements dated January 21, May 14, and August 29, 2013, and January 22, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 24, 2014.

No significant hazards consideration comments received: None.

Entergy Nuclear Operations, Inc., Docket No. 50–247, Indian Point Nuclear Generating, Unit 2, Westchester County, New York

Date of application for amendment: February 6, 2013, as supplemented by letters dated July 9, 2013, October 3, 2013, and February 24, 2014.

Brief description of amendment: The amendment changes the Technical Specifications by revising the reactor heatup and cooldown curves (also referred to as pressure-temperature (P–T) limits) and low temperature overpressure protection (LTOP) requirements to cover a lifetime burnup of 48 Effective Full Power Years (EFPY), which is an increase from the current value of 29.2 EFPY.

Date of issuance: March 5, 2014.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 274.

Facility Operating License No. DPR–26: The amendment revised the License and the Technical Specifications.

Date of initial notice in ***Federal Register:*** April 2, 2013 (78 FR 19750).

The supplemental letters dated July 9, 2013, October 3, 2013, and February 24, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 5, 2014.

No significant hazards consideration comments received: No.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating, Units 3 and 4, Miami-Dade County, Florida

Date of application for amendment: March 22, 2013.

Brief description of amendment: The amendments revised the Technical Specifications (TSs) to allow the use of Optimized ZIRLO™ as an approved fuel rod cladding.

Date of issuance: February 20, 2014.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 259 and 254.

Renewed Facility Operating License Nos. DPR–31 and DPR–41: Amendments revised the licenses and the TSs.

Date of initial notice in ***Federal Register:*** August 20, 2013 (78 FR 51219).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 20, 2014.

No significant hazards consideration comments received: No.

Luminant Generation Company LLC, Docket Nos. 50–445 and 50–446, Comanche Peak Nuclear Power Plant, Units 1 and 2 (CPNPP), Somervell County, Texas

Date of amendment request: August 29, 2013, as supplemented by letter dated February 19, 2014.

Description of amendment request: The amendments revised Technical Specification (TS) 3.4.17, ''Steam Generator (SG) Tube Integrity,'' TS 5.5.9, ''Unit 1 Model D76 and Unit 2 Model D5 Steam Generator (SG) Program,'' and TS 5.6.9, ''Unit 1 Model D76 and Unit 2 Model D5 Steam Generator Tube Inspection Report.'' The changes address implementation issues associated with inspection periods, and address other administrative changes and clarifications. The amendment is consistent with NRC-approved Technical Specifications Task Force (TSTF) change traveler TSTF–510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection,'' as part of the consolidated line item improvement process.

The amendments also incorporated minor non-technical variations from the TS changes proposed in TSTF–510, Revision 2. The TSs for CPNPP, Units 1 and 2 utilize different numbering and titles than the Standard Technical Specifications on which TSTF–510, Revision 2, is based, since the steam generators for CPNPP, Units 1 and 2, are of different models. These differences are administrative in nature and do not affect the applicability of TSTF–510, Revision 2, to the TSs for CPNPP, Units 1 and 2.

Date of issuance: February 27, 2014.

Effective date: As of its date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: Unit 1—161; Unit 2—161.

Facility Operating License Nos. NPF–87 and NPF–89: The amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register***: October 1, 2013 (78 FR 60324).

The February 19, 2014, supplement did not expand the scope of the application as originally noticed, and did not change the NRC staff's initial proposed finding of no significant hazards consideration.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 27, 2014.

No significant hazards consideration comments received: No.

NextEra Energy Seabrook, LLC, Docket No. 50–443, Seabrook Station, Unit. 1, Rockingham County, New Hampshire

Date of amendment request: June 25, 2013.

Description of amendment request: The amendment revised the Seabrook Technical Specifications (TS). Specifically, the amendment revised the TS to allow the use of Optimized ZIRLO™ as an approved fuel rod cladding material.

Date of issuance: March 5, 2014.

Effective date: As of its date of issuance and shall be implemented within 60 days.

Amendment No.: 139.

Facility Operating License No. NPF–86: The amendment revised the License and TS.

Date of initial notice in ***Federal Register***: August 20, 2013 (78 FR 51228).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 5, 2014.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota (NSPM), Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: April 19, 2013.

Brief description of amendment: The amendment allows NSPM to adopt the NRC's approved Technical Specifications Task Force (TSTF) Standard Technical Specifications Change Traveler TSTF–535, Revision 0, ''Revise Shutdown Margin Definition to Address Advanced Fuel Designs,'' dated August 8, 2011. The amendment modifies the Technical Specification definition of ''shutdown margin'' (SDM) to require calculation of the SDM at a reactor moderator temperature of 68 °F or higher, representing the most reactive state throughout the operating cycle. This change addresses newer boiling-water reactor fuel designs which may be more reactive at shutdown temperatures above 68 °F.

Date of issuance: February 28, 2014.

Effective date: This license amendment is effective as of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 179.

Renewed Facility Operating License No. DPR–22: The amendment revises the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register***: September 3, 2013 (78 FR 54285).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 28, 2014.

No significant hazards consideration comments received: No.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Units 1 and 2, San Luis Obispo County, California

Date of amendment request: June 6, 2013.

Description of amendment request: The amendments revised Technical Specification (TS) 3.7.10, ''Control Room Ventilation System (CRVS),'' and TS 5.6.5, ''Core Operating Limits Report (COLR),'' to incorporate editorial changes. Specifically, the proposed amendments delete footnote (1) from the TS 3.7.10 Condition A Completion Time, and revise inconsistent wording in TS 5.6.5a.4, TS 5.6.5a.5, and TS 5.6.5a.9.

Date of issuance: February 27, 2014.

Effective date: As of its date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: Unit 1—217; Unit 2—219.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register***: August 6, 2013 (78 FR 47791).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 27, 2014.

No significant hazards consideration comments received: No.

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: June 6, 2013, as supplemented by letter dated December 4, 2013.

Brief description of amendments: The amendments change the Technical Specifications (TSs) for Susquehanna Steam Electric Station, Units 1 and 2. Specifically, these amendments change TS 3.3.6.1, ''Primary Containment Isolation Instrumentation,'' to add a footnote to Function 6.c. in TS Table 3.3.6.1–1, allowing only one Trip System to be operable in MODES 4 and 5 for the Manual Initiation Function for Shutdown Cooling System isolation.

Date of issuance: February 26, 2014.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 259 and 240.

Renewed Facility Operating License Nos. NPF–14 and NPF–22: The amendments revised the license and the TS.

Date of initial notice in ***Federal Register***: December 10, 2013 (78 FR 74184).

The supplemental letter dated December 4, 2013, provided additional information that clarified the

application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 26, 2014.

No significant hazards consideration comments received: No.

South Carolina Electric and Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit, Fairfield County, South Carolina

Date of application for amendment: April 2, 2013 as supplemented by letter dated May 16, 2013.

Brief description of amendment: This amendment revises the Technical Specifications requirements regarding steam generator tube inspections and reporting as described in TSTF–510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection.''

Date of issuance: February 28, 2014.

Effective date: This license amendment is effective as of the date of its issuance.

Amendment No.: 196.

Renewed Facility Operating License No. NPF–12: Amendment revises the License.

*Date of initial notice in **Federal Register***: June 25, 2013 (78 FR 38083).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 28, 2014.

No significant hazards consideration comments received: No.

Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual notice of consideration of issuance of amendment, proposed no significant hazards consideration determination, and opportunity for a hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License or Combined License, as applicable, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the NRC's Public Document Room (PDR), located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through the Agencywide Documents Access and Management System (ADAMS) in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr.resource@nrc.gov.*

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and electronically on the Internet at the NRC's Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If there are problems in accessing the document, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* If a request for a

hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

All documents filed in the NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov*, or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC's guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html*, by email to *MSHD.Resource@nrc.gov*, or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern

Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/*, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Duke Energy Carolinas, LLC, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: February 17, 2014.

Description of amendment request: The amendments revise Technical Specification (TS) Table 3.3.4–1, Remote Shutdown System Instrumentation and Controls as a result of an inoperable instrumentation function on Unit 2. Table 3.3.4–1 specifies requirements for Function 3.b., Decay Heat Removal via Steam Generators (SGs)—Reactor Coolant System (RCS) Cold Leg Temperature—Loop A and B as ''1 per loop''. Loop A of this function is presently inoperable on Unit 2 due to a failed resistance temperature detector (RTD). Loop B of this function is operable with a reliable maintenance history. The failed RTD on Loop A cannot be replaced in the present operating mode of Unit 2 (Mode 1). Therefore, Duke Energy requested the U.S. Nuclear Regulatory Commission (NRC) approval to allow Unit 2 to remain in Mode 1 until such time that the failed RTD can be replaced. The replacement would occur in the next refueling outage or the next outage that would facilitate replacement, whichever occurs first.

Date of issuance: February 27, 2014.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 272 and 268.

Renewed Facility Operating License Nos. NPF–35 and NPF–52: Amendments revised the licenses and the technical specifications.

Public comments requested as to proposed no significant hazards consideration (NSHC): Yes. The NRC staff noticed the February 17, 2014, application in the Rock Hill, SC local newspaper, The Herald on Friday, February 21, 2014, and Saturday, February 22, 2014. The notice provided an opportunity to submit comments on the Commission's proposed NSHC determination. No comments have been received.

The Commission's related evaluation of the amendment, finding of exigent circumstances, state consultation, and final NSHC determination are contained in a safety evaluation dated February 27, 2014.

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202.

NRC Branch Chief: Robert J. Pascarelli.

Dated at Rockville, Maryland, this 10th day of March 2014.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–05645 Filed 3–17–14; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 5200027; NRC–2008–0441]

Inspections, Tests, Analyses, and Acceptance Criteria; Virgil C. Summer Unit 2 Combined License

AGENCY: Nuclear Regulatory Commission.

ACTION: Determination of inspections, tests, analyses, and acceptance criteria (ITAAC).

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff has determined that the inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met for ITAAC 3.3.00.09, for the Virgil C. Summer Nuclear Station Unit 2.

ADDRESSES: Please refer to Docket ID NRC–2008–0441 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0441. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One

White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Denise McGovern, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0681, email: *Denise.McGovern@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Licensee Notification of Completion of ITAAC

On January 17, 2014, South Carolina Electric and Gas, Inc. (the licensee) submitted an ITAAC closure notification (ICN) under § 52.99(c)(1) of Title 10 of the *Code of Federal Regulations* (10 CFR) informing the NRC that the licensee has successfully performed the required inspections, tests, and analyses for ITAAC 3.3.00.09, and that the specified acceptance criteria are met for Virgil C. Summer Nuclear Station Unit 2 (ADAMS Accession No. ML14023A676). This ITAAC was approved as part of the issuance of the combined license, NPF–93, for this facility.

NRC Staff Determination of Completion of ITAAC

The NRC staff has determined that the inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met for Virgil C. Summer Nuclear Station Unit 2, ITAAC 3.3.00.09. This notice fulfills the staff's obligations under 10 CFR 52.99(e)(1) to publish a notice in the **Federal Register** of the NRC staff's determination of the successful completion of inspections, tests and analyses.

The documentation of the NRC staff's determination is in the ITAAC Closure Verification Evaluation Form (VEF), dated January 31, 2014 (ADAMS Accession No. ML14028A247). The VEF is a form that represents the NRC staff's structured process for reviewing ICNs. The ICN presents a narrative description of how the ITAAC was completed, and the NRC's ICN review process involves a determination on whether, among other things, (1) the ICN provides sufficient information, including a summary of the methodology used to perform the ITAAC, to demonstrate that the inspections, tests, and analyses have been successfully completed; (2) the ICN provides sufficient information to demonstrate that the acceptance criteria are met; and (3) any inspections for the ITAAC have been completed and any ITAAC findings associated with the ITAAC have been closed.

The NRC staff's determination of the successful completion of this ITAAC is based on information available at this time and is subject to the licensee's ability to maintain the condition that the acceptance criteria are met. If new information disputes the NRC staff's determination, this ITAAC will be reopened as necessary. The NRC staff's determination will be used to support a subsequent finding, pursuant to 10 CFR 52.103(g), at the end of construction that all acceptance criteria in the combined license are met. The ITAAC closure process is not finalized for this ITAAC until the NRC makes an affirmative finding under 10 CFR 52.103(g). Any future updates to the status of this ITAAC will be reflected on the NRC's Web site at *http://www.nrc.gov/reactors/new-reactors/oversight/itaac.html.*

Dated at Rockville, Maryland, this 11th day of March 2014.

For the Nuclear Regulatory Commission.

Denise McGovern,

Senior Project Manager, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2014–05936 Filed 3–17–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–10; NRC–2013–0207]

Northern States Power Company: Prairie Island Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) reviewed an application by Northern States Power Company (NSPM) for amendment of Materials License No. SNM–2506 which authorizes NSPM to receive, possess, store, and transfer spent nuclear fuel and associated radioactive materials. The amendment sought to lower the allowed thermal conductance values for storage basket components utilized at the Prairie Island (PI) Independent Spent Fuel Storage Installation (ISFSI).

ADDRESSES: Please refer to Docket ID NRC–2013–0207 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0207. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The Prairie Island License Amendment Request No. 8 package is available electronically in ADAMS under Accession No. ML13205A141.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Chris Allen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9225; email: *William.Allen@nrc.gov.*

SUPPLEMENTARY INFORMATION: By application dated July 17, 2013, as supplemented December 5, 2013, NSPM submitted to the NRC, in accordance with Part 72 of Title 10 of the *Code of Federal Regulations* (10 CFR), a request to amend Special Nuclear Materials License No. SNM–2506 for its PI ISFSI site located in Welch, Minnesota. License No. SNM–2506 authorizes NSPM to receive, possess, store, and transfer spent nuclear fuel and associated radioactive materials resulting from the operation of the PI Power Plant in an ISFSI at the power plant site for a term of 20 years. Specifically, the amendment proposed lowering the allowed thermal conductance values for components used to fabricate storage baskets utilized at the PI ISFSI.

The NRC issued a letter dated August 9, 2013, notifying NSPM that the application was acceptable for review. In accordance with 10 CFR 72.16, a Notice of Docketing was published in the **Federal Register** on September 16, 2013 (78 FR 56947). The Notice of Docketing included an opportunity to request a hearing and to petition for leave to intervene. No requests for a

hearing or leave to intervene were submitted.

The NRC prepared a safety evaluation report (SER) to document its review and evaluation of the amendment request. In addition, the NRC evaluated an assertion by PI that the amendment request satisfied the categorical exclusion criteria specified in 10 CFR 51.22(c)(11). Under 10 CFR 51.22(c)(11), a categorical exclusion is allowed for amendments to materials licenses which involve changes to process operations or equipment provided that (i) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, (ii) there is no significant increase in individual or cumulative occupational radiation exposure, (iii) there is no significant construction impact, and (iv) there is no significant increase in the potential for or consequences from radiological accidents. As explained in the SER, the NRC determined that the license amendment satisfied the 10 CFR 51.22(c)(11) categorical exclusion criteria. Consequently, an Environmental Assessment and Finding of No Significant Impact are not required.

Upon completing its review, the staff determined the request complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), as well as the NRC's rules and regulations. As required by the Act and the NRC's rules and regulations in 10 CFR Chapter I, the staff made the appropriate findings which are contained in the SER (ADAMS Accession No. ML14030A361). The NRC approved and issued Amendment No. 8 to Special Nuclear Materials License No. SNM–2506, held by NSPM for the receipt, possession, transfer, and storage of spent fuel and associated radioactive materials at the PI ISFSI. Pursuant to 10 CFR 72.46(d), the NRC is providing notice of the action taken. Amendment No. 8 was effective as of the date of issuance, March 10, 2014.

Dated at Rockville, Maryland, this 10th day of March 2014.

For the Nuclear Regulatory Commission.

Michele Sampson,

Chief, Licensing Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2014–05938 Filed 3–17–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–528, 50–529, 50–530; NRC–2014–0053]

Palo Verde Nuclear Generating Station

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Arizona Public Service Company (the licensee) to withdraw its application dated March 8, 2012, for a proposed amendment to Facility Operating License Nos. NPF–41, NPF–51, and NPF–74. The proposed amendment would have revised the Technical Specifications (TS) to eliminate the use of the term CORE ALTERATIONS throughout the TS.

ADDRESSES: Please refer to Docket ID NRC–2014–0053 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0053. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Jennivine Rankin, Office of Nuclear Reactor Regulation, telephone: 301–415–1530, email: *Jennivine.Rankin@nrc.gov*; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: The NRC has granted the request of Arizona Public Service Company (the licensee) to withdraw its March 8, 2012, application (ADAMS Accession No. ML12076A045), for proposed amendment to Facility Operating License Nos. NPF–41, NPF–51, and NPF–74, for the Palo Verde Nuclear Generating Station, Units 1, 2, and 3, respectively, located in Maricopa County, Arizona.

The proposed amendment would have revised the Technical Specifications (TS) to eliminate the use of the term CORE ALTERATIONS throughout the TS. The proposed amendment incorporated changes reflected in Technical Specification Task Force (TSTF) Traveler 471–A, Revision 1, ''Eliminate use of term CORE ALTERATIONS in ACTIONS and Notes.''

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on June 12, 2012 (77 FR 35071). The licensee supplemented their original application by letters dated October 11, 2012; January 31, 2013; and July 25, 2013; respectively (ADAMS Accession Nos. ML12286A330, ML13039A013, and ML13210A238). However, by letter dated February 13, 2014 (ADAMS Accession No. ML14051A103), the licensee withdrew the proposed change.

Dated at Rockville, Maryland, this 7th day of March 2014.

For the Nuclear Regulatory Commission.

Balwant K. Singal,

Senior Project Manager, Plant Licensing Branch IV–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–05935 Filed 3–17–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 03029462; NRC–2014–0047]

Request for Alternate Decommissioning Schedule: Department of the Navy Space and Naval Warfare Centers Pacific

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) has received a request for an alternate decommissioning schedule from the Department of the Navy (Navy) for its Space and Naval Warfare Centers Pacific (SPAWARS) site, located in San Diego, California, permitted under the Navy's Master Materials License (MML) No. 45–23645–01NA. Approval of the request would extend the time period for the Navy to submit a decommissioning plan and initiate decommissioning activities at SPAWARS.

DATES: Comments must be filed by May 19, 2014. A request for a hearing or petition for leave to intervene must be filed by May 19, 2014.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0047. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN–06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Orysia Masnyk Bailey, Health Physicist, Decommissioning and Technical Support Branch, Division of Nuclear Materials Safety, Region I, U.S. Nuclear Regulatory Commission, 2100 Renaissance Boulevard, King of Prussia, Pennsylvania 19468; telephone: 864–427–1032; fax number: 610–680–3597; email: *OrysiaMasnykBailey@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0047 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0047.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0047 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC received, by letter dated August 9, 2013 (ADAMS Accession No. ML13249A300), a license amendment application from the Navy for its SPAWARS site located in San Diego, California, requesting to extend the time for submitting a decommissioning plan. SPAWARS possesses a Type A broad scope permit issued under the Navy's MML No. 45–23645–01NA. Approval of the request would extend the time period for the Navy to submit a decommissioning plan and initiate decommissioning activities at SPAWARS.

An NRC administrative completeness review, documented in a letter to the Navy dated January 14, 2014 (ADAMS Accession No. ML14028A515), found the application acceptable to begin a technical review. If the NRC approves the request, the approval will be documented in an amendment to the Navy's MML No. 45–23645–01NA. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and the NRC's regulations. These findings will be documented in a Safety Evaluation Report.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action and who wishes to participate as a party in the proceeding may file a written request for a hearing and a petition for leave to intervene with respect to issuance of the license amendment request. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth, with particularity, the interest of the petitioner in the proceeding and how that interest may be affected by the

results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor/petitioner's interest. The petition must also identify the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

All documents filed in the NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or

their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Dated at King of Prussia, Pennsylvania, this 11th day of March 2014.

For the Nuclear Regulatory Commission.

Marc S. Ferdas,

Chief, Decommissioning and Technical Branch, Division of Nuclear Materials Safety, Region I.

[FR Doc. 2014–05982 Filed 3–17–14; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Interagency Funding for Research and Engineering Projects Conducted by Federal Researchers

AGENCY: Office of Science and Technology Policy.

ACTION: Notice of Request for Information.

SUMMARY: This Request for Information (RFI) solicits input from the public regarding interagency research awards via competitive grants, contracts, or other vehicles provided by a Federal agency to a researcher at a Federal laboratory that is managed, owned, or operated by another Federal agency. Applicable research awards include extramural research awards awarded to intramural researchers in Federal laboratories. Federal laboratories include Government-Owned, Government-Operated laboratories (GOGOs) and Federally Funded Research and Development Centers (FFRDCs). Research awards pay for research projects and supporting resources, including the salaries of the principal investigators. The public input provided in response to this Notice will inform the Office of Science and Technology Policy (OSTP) as it works with Federal agencies and other stakeholders to develop best practices for agencies.

DATES: Responses must be received by 11:59 p.m. on April 14, 2014, to be considered.

ADDRESSES: You may submit comments by any of the following methods.

- *Downloadable form/email:* To aid in information collection and analysis, OSTP encourages responses to be provided by filling out the downloadable form located at *http://www.whitehouse.gov/administration/eop/ostp/library/shareyourinput* and email that form, as an attachment, to: *iaresearch@ostp.gov.* Please include ''Interagency Research Award'' in the subject line of the message.
- *Fax:* (202) 456–6071.
- *Mail:* Attn: Reynolds Skaggs, Office of Science and Technology Policy, 1650 Pennsylvania Avenue NW., Washington, DC, 20504. Information submitted by postal mail should allow ample time for processing by security.

Response to this RFI is voluntary. Respondents need not reply to all questions listed, but should indicate in their responses the number of the question to which they are responding. Responses to this RFI, including the names of the authors and their institutional affiliations, if provided, may be posted online. OSTP therefore requests that no business-proprietary information, copyrighted information, or personally-identifiable information be submitted in response to this RFI. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

SUPPLEMENTARY INFORMATION:

Background

Scientists and Engineers (S&Es) who do research and development on behalf of the U.S. Government can compete for research funding through a number of mechanisms, including an interagency agreement, memorandum of understanding, grant, contract, or other transaction agreement. OSTP and STPI have observed that there exist a number of barriers with the potential to limit or prohibit the use of these and other mechanisms on an interagency basis, such as legislation, regulation, interagency agreement, agency policy, program policy, or practices. Policies and practices that can hinder interagency research awards include outright prohibitions, limitations on funding, and added administrative burdens. In addition, agencies vary with respect to the permeability of interagency research awards and this inconsistency leads to inefficiencies and occasionally redundancies. For example, some agencies allow researchers from other Federal agencies to compete for extramural funding, and provide funding to such extramural Federal laboratory employees whose proposals successfully compete for those awards. However, other agencies limit the funding provided to S&Es working in Federal laboratories under

the jurisdiction of other agencies by, for example, not paying salaries or fringe benefit payments.

This RFI offers the opportunity for the public to identify challenges and opportunities for improving Federal interagency research funding awards to support the best and brightest researchers. For the purposes of this RFI, interagency research awards describe one Federal agency funding the research efforts of a scientist or engineer employed by a Federal laboratory managed, owned, or operated by another Federal agency using competitive processes. To ensure each agency is funding the highest quality research and engineering projects, the Office of Science and Technology Policy (OSTP) is considering the potential challenges and opportunities associated with allowing all intramural S&Es, both Federal and contractually employed by Federally Funded Research and Development Centers (FFRDCs) to compete for funding from other agencies, in addition to their own.

OSTP seeks input from all stakeholders who have suggestions for best practices to minimize limitations and administrative burdens associated with interagency research awards. Through this RFI, OSTP is interested in the views of S&Es at Federal laboratories—Government Owned, Government Operated and FFRDCs—who have experienced difficulty when attempting to secure competitive research funding from an agency other than their own, as well as from others who have experience or ideas relating to the following questions:

1. As a Federal laboratory researcher, what difficulties have you experienced when attempting to secure competitive research awards from another agency?

a. If known, please describe the nature of the difficulty. For example, the difficulty may have been an outright prohibition, a limitation on funding, an added administrative burden, or some other burden.

b. Please describe how your agency or the other agency contributed to the difficulty, if applicable.

c. If you know the source of the difficulty (legislation, regulation, interagency agreement, agency policy, program policy, practices, other), please provide details.

d. Please describe how you were able to secure research funding from the other agency despite the difficulties. If you were unable to secure research funding, please describe why not.

2. How has difficulty to secure research funding from other agencies impacted your research?

3. Does your department or agency have a set of best practices related to competitive interagency research awards? If so, please identify the department or agency and share those best practices if possible.

4. Do you have suggested guidance for agencies to improve consistent access to research funding for all Federal laboratory researchers, irrespective of departmental or agency boundaries?

Ted Wackler,

Deputy Chief of Staff and Assistant Director.

[FR Doc. 2014–06036 Filed 3–17–14; 8:45 am]

BILLING CODE 3270–F4–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, March 20, 2014 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Gallagher, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: March 13, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–06012 Filed 3–14–14; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71696; File No. SR–BX–2014–012]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Routing Fees

March 12, 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 March 4, 2014, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter XV, Section 2 entitled ''BX Options Market—Fees and Rebates.'' Specifically, the Exchange is proposing to amend Routing Fees. The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Routing Fees in Chapter XV, Section

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

2(3) to recoup costs incurred by the Exchange to route orders to away markets.

Today, the Exchange assesses a Non-Customer a $0.95 per contract Routing Fee to any options exchange. The Customer [3] Routing Fee for option orders routed to NASDAQ OMX PHLX LLC (''PHLX'') and The NASDAQ Options Market LLC (''NOM'') is a $0.05 per contract Fixed Fee in addition to the actual transaction fee assessed. The Customer Routing Fee for option orders routed to all other options exchanges [4] (excluding PHLX and NOM) is a fixed fee of $0.20 per contract (''Fixed Fee'') in addition to the actual transaction fee assessed. If the away market pays a rebate, the Routing Fee is $0.00 per contract.

With respect to the fixed costs, the Exchange incurs a fee when it utilizes Nasdaq Options Services LLC (''NOS''),[5] a member of the Exchange and the Exchange's exclusive order router.[6] Each time NOS routes an order to an away market, NOS is charged a clearing fee [7] and, in the case of certain exchanges, a transaction fee is also charged in certain symbols, which fees are passed through to the Exchange. The Exchange currently recoups clearing and transaction charges incurred by the Exchange as well as certain other costs incurred by the Exchange when routing to away markets, such as administrative and technical costs associated with operating NOS, membership fees at away markets, Options Regulatory Fees (''ORFs''), staffing and technical costs associated with routing options. The Exchange assesses the actual away market fee at the time that the order was entered into the Exchange's trading system. This transaction fee is calculated on an order-by-order basis since different away markets charge different amounts.

The Exchange is proposing to assess market participants routing Customer orders to PHLX and NOM a $0.10 per contract Fixed Fee in addition to the actual transaction fee assessed. Today the Exchange assesses a $0.05 per contract Fixed Fee in addition to the actual transaction fee assessed with respect to Customer orders routed to PHLX and NOM. The Exchange would increase the Fixed Fee for Customer orders routed to PHLX and NOM from $0.05 to $0.10 per contract to recoup an additional portion of the costs incurred by the Exchange for routing these orders.

Similarly, the Exchange is proposing to amend the Customer Routing Fee assessed when routing to all other options exchanges, if the away market pays a rebate, from a $0.00 to a $0.10 per contract Fixed Fee, in order to recoup an additional portion of the costs incurred by the Exchange for routing these orders. The Exchange does not assess the actual transaction fee assessed by the away market, rather the Exchange only assesses the Fixed Fee, because the Exchange would continue to retain the rebate to offset the cost to route orders to these away markets. Today, the Exchange incurs certain costs when routing to away markets that pay rebates. The Exchange desires to recoup additional costs at this time.

2. Statutory Basis

BX believes that its proposal to amend its fees is consistent with Section 6(b) of the Act [8] in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of the Act [9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which BX operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

BX believes that amending the Customer Routing Fee for orders routed to PHLX and NOM from a Fixed Fee of $0.05 to $0.10 per contract, in addition to the actual transaction fee, is reasonable because the Exchange desires to recoup an additional portion of the cost it incurs when routing Customer orders to PHLX and NOM. Today, the Exchange assesses orders routed to PHLX and NOM a lower Fixed Fee for routing Customer orders as compared to the Fixed Fee assessed to other options exchanges. The Exchange is proposing to increase the Fixed Fee to recoup additional costs that are incurred by the Exchange in connection with routing these orders on behalf of its members.

The Exchange believes that continuing to assess lower Fixed Fees to route Customer orders to PHLX and NOM, as compared to other options exchanges, is reasonable as the Exchange is able to leverage certain infrastructure to offer those markets lower fees as explained further below. Similarly, the Exchange believes that amending the Customer Routing Fee to other away markets, other than PHLX and NOM, in the instance the away market pays a rebate from a Fixed Fee of $0.00 to $0.10 per contract, in addition to the actual transaction fee, is reasonable because the Exchange desires to recoup an additional portion of the cost it incurs when routing orders to these away markets. The Fixed Fee for Customer orders is an approximation of the costs the Exchange will be charged for routing orders to away markets. As a general matter, the Exchange believes that the proposed fees for Customer orders routed to markets which pay a rebate would allow it to recoup and cover a portion of the costs of providing optional routing services for Customer orders because it better approximates the costs incurred by the Exchange for routing such orders. While each destination market's transaction charge varies and there is a cost incurred by the Exchange when routing orders to away markets, including OCC clearing costs, administrative and technical costs associated with operating NOS, membership fees at away markets, ORFs and technical costs associated with routing options, the Exchange believes that the proposed Routing Fees will enable it to recover the costs it incurs to route Customer orders to away markets.

The Exchange believes that amending the Customer Routing Fee for orders routed to PHLX and NOM from a Fixed Fee of $0.05 to $0.10 per contract, in addition to the actual transaction fee, is equitable and not unfairly discriminatory because the Exchange would assess the same Fixed Fee to all orders routed to PHLX and NOM in addition to the transaction fee assessed by that market. The Exchange would uniformly assess a $0.10 per contract Fixed Fee to orders routed to NASDAQ OMX exchanges because the Exchange is passing along the saving [sic] realized by leveraging NASDAQ OMX's infrastructure and scale to market participants when those orders are routed to PHLX or NOM and is providing those saving to all market participants. Furthermore, it is important to note that when orders are routed to an away market they are

[3] The term ''Customer'' or (''C'') applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional'' (as that term is defined in Chapter I, Section 1(a)(48)).

[4] Including BATS Exchange, Inc. (''BATS''), BOX Options Exchange LLC (''BOX''), the Chicago Board Options Exchange, Incorporated (''CBOE''), C2 Options Exchange, Incorporated (''C2''), International Securities Exchange, LLC (''ISE''), the Miami International Securities Exchange, LLC (''MIAX''), NYSE Arca, Inc. (''NYSE Arca''), NYSE MKT LLC (''NYSE Amex'') and Topaz Exchange, LLC (''Gemini'').

[5] The Exchange filed a proposed rule change to utilize Nasdaq Execution Services, LLC (''NES'') for outbound order routing. *See* Securities Exchange Act Release No. 71420 (January 28, 2014), 79 FR 6256 (February 3, 2014) (SR–BX–2014–004). This filing has not yet been implemented. The Exchange intends to implement this filing in mid-March 2014.

[6] *See* BX Rules at Chapter VI, Section 11(e) (Order Routing).

[7] The Options Clearing Corporation (''OCC'') assesses $0.01 per contract side.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4), (5).

routed based on price first.[10] The Exchange believes that it is equitable and not unfairly discriminatory to assess a fixed cost of $0.10 per contract to route orders to PHLX and NOM because the cost, in terms of actual cash outlays, to the Exchange to route to those markets is lower. For example, costs related to routing to PHLX and NOM are lower as compared to other away markets because NOS is utilized by all three exchanges to route orders.[11] NOS and the three NASDAQ OMX options markets have a common data center and staff that are responsible for the day-to-day operations of NOS. Because the three exchanges are in a common data center, Routing Fees are reduced because costly expenses related to, for example, telecommunication lines to obtain connectivity are avoided when routing orders in this instance. The costs related to connectivity to route orders to other NASDAQ OMX exchanges are lower than the costs to route to a non-NASDAQ OMX exchange. When routing orders to non-NASDAQ OMX exchanges, the Exchange incurs costly connectivity charges related to telecommunication lines, membership and access fees, and other related costs when routing orders.

The Exchange believes that amending the Customer Routing Fee to other away markets, other than PHLX and NOM, in the instance the away market pays a rebate from a Fixed Fee of $0.00 to $0.10 per contract is equitable and not unfairly discriminatory because the Exchange would assess a lower Routing Fee because the Exchange retains the rebate that is paid by that market. These proposals would apply uniformly to all market participants when routing to an away market that pays a rebate, other than PHLX and NOM. Market participants may submit orders to the Exchange as ineligible for routing or ''DNR'' to avoid Routing Fees.[12] Also, orders are routed to an away market based on price first.[13]

B. Self-Regulatory Organization's Statement on Burden on Competition

BX does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposal creates a burden on intra-market competition because the Exchange is applying the same Routing Fees to all market participants in the same manner dependent on the routing venue, with the exception of Customers. The Exchange will continue to assess separate Customer Routing Fees. Customers will continue to receive the lowest fees as compared to non-Customers when routing orders, as is the case today. Other options exchanges also assess lower Routing Fees for customer orders as compared to non-customer orders.[14]

The Exchange's proposal would allow the Exchange to continue to recoup its costs when routing Customer orders to PHLX or NOM as well as away markets that pay a rebate when such orders are designated as available for routing by the market participant. The Exchange continues to pass along savings realized by leveraging NASDAQ OMX's infrastructure and scale to market participants when Customer orders are routed to PHLX or NOM and is providing those savings to all market participants. Today, other options exchanges also assess fixed routing fees to recoup costs incurred by the exchange to route orders to away markets.[15]

Market participants may submit orders to the Exchange as ineligible for routing or ''DNR'' to avoid Routing Fees.[16] It is important to note that when orders are routed to an away market they are routed based on price first.[17]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[18] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2014–012 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number *SR–BX–2014–012.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number *SR–BX–2014–012* and should be submitted on or before April 8, 2014.

[10] *See* note 6.

[11] *See* PHLX Rule 1080(m)(iii)(A). *See also* NOM Rules at Chapter VI, Section 11.

[12] *See* note 6.

[13] *See* note 6.

[14] BATS assesses lower customer routing fees as compared to non-customer routing fees per the away market. For example BATS assesses ISE customer routing fees of $0.30 per contract and an ISE non-customer routing fee of $ 0.57 per contract. *See* BATS BZX Exchange Fee Schedule.

[15] *See* CBOE's Fees Schedule and ISE's Fee Schedule.

[16] *See* note 6.

[17] *See* note 6.

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05856 Filed 3–17–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71692; File No. SR–EDGX–2014–04]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGX Exchange, Inc. Fee Schedule

March 11, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 5, 2014, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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 the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees and rebates applicable to Members [3] of the Exchange pursuant to EDGX Rule 15.1(a) and (c) (''Fee Schedule'') to: (i) Increase the fee for orders yielding Flag D, which route or re-route orders to the New York Stock Exchange LLC (''NYSE''); (ii) decrease the fee for orders yielding Flag U, which route to LavaFlow, Inc. (''LavaFlow''); and (iii) increase the fee for orders yielding Flag RW, which route to the CBOE Stock Exchange, LLC (''CBSX'') and adds liquidity. The text of the proposed rule change is available on the Exchange's Internet Web site at *www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to: (i) Increase the fee for orders yielding Flag D, which route or re-route to the NYSE; (ii) decrease the fee for orders yielding Flag U, which route to LavaFlow; and (iii) increase the fee for orders yielding Flag RW, which route to the CBSX and add liquidity.

Flag D

In securities priced at or above $1.00, the Exchange currently charges a fee of $0.0025 per share for Members' orders that yield Flag D, which route or re-route orders to the NYSE. The Exchange proposes to amend its Fee Schedule to increase the fee for orders that yield Flag D to $0.0026 per share in securities priced at or above $1.00.[4] The proposed change represents a pass through of the rate Direct Edge ECN LLC (d/b/a DE Route) (''DE Route''), the Exchange's affiliated routing broker-dealer, is charged for routing orders to the NYSE that remove liquidity when it does not qualify for a volume tiered reduced fee. The proposed change is in response to the NYSE's March 2014 fee change where the NYSE increased its fee from $0.0025 per share to $0.0026 per share for orders in securities priced at or above $1.00.[5] When DE Route routes to and removes liquidity on the NYSE, it will now be charged a standard rate of $0.0026 per share.[6] DE Route will pass through this rate it is charged on the NYSE to the Exchange and the Exchange, in turn, will pass through this rate to its Members.

Flag U

In securities priced at or above $1.00, the Exchange currently charges a fee of $0.0030 per share for Members' orders that yield Flag U, which route to LavaFlow. The Exchange proposes to amend its Fee Schedule to decrease the fee for orders that yield Flag U to $0.0028 per share in securities priced at or above $1.00.[7] The proposed change represents a pass through of the rate DE Route, the Exchange's affiliated routing broker-dealer, is charged for routing orders to LavaFlow that remove liquidity when it does not qualify for a volume tiered reduced fee. The proposed change is in response to LavaFlow's March 2014 fee change where LavaFlow decreased its fee from $0.0030 per share to $0.0028 per share for orders in securities priced at or above $1.00.[8] When DE Route routes to and removes liquidity on LavaFlow, it will now be charged a standard rate of $0.0028 per share.[9] DE Route will pass through this rate it is charged on LavaFlow to the Exchange and the Exchange, in turn, will pass through this rate to its Members.

Flag RW

In securities priced at or above $1.00, the Exchange currently charges a fee of $0.0018 per share for Members' orders that yield Flag RW, which routes to the CBSX and adds liquidity. The Exchange does not currently charge a fee for orders in securities priced below $1.00 that yield Flag RW. The Exchange proposes to amend its Fee Schedule to increase the fee for orders that yield Flag RW to $0.0030 per share in securities priced at or above $1.00 and 0.30% of the trade's dollar value in securities priced below $1.00. The proposed change represents a pass through of the rate that DE Route, the Exchange's affiliated routing broker-dealer, is charged for routing orders that add liquidity to CBSX when it does not qualify for a volume tiered reduced fee. The proposed change is in response to CBSX's March 2014 fee change where the CBSX increased its fee from $0.0018 per share to $0.0030 per share for orders in securities priced at or above $1.00

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

[4] The Exchange does not propose to amend its fee for orders that yield Flag D in securities priced below $1.00.

[5] *See* NYSE Trader Update dated February 26, 2014, *http://www.nyse.com/pdfs/NYSE%20Client%20Notice%20Fees%2003%202014.pdf.*

[6] The Exchange notes that to the extent DE Route does or does not achieve any volume tiered reduced fee on the NYSE, its rate for Flag D will not change.

[7] The Exchange does not propose to amend its fee for orders that yield Flag U in securities priced below $1.00.

[8] *See* LavaFlow Pricing, *available at https://www.lavatrading.com/solutions/pricing.php.*

[9] The Exchange notes that to the extent DE Route does or does not achieve any volume tiered reduced fee on LavaFlow, its rate for Flag U will not change.

and instituted a charge of 0.30% of the trade's dollar value in securities priced below $1.00.[10] When DE Route routes to and adds liquidity on the CBSX, it will now be charged a standard rate of $0.0030 per share or 0.30% of the trade's value, as described above.[11] DE Route will pass through this rate it is charged on CBSX to the Exchange and the Exchange, in turn, will pass through this rate to its Members.

Implementation Date

The Exchange proposes to implement these amendments to its Fee Schedule on March 5, 2014.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[12] in general, and furthers the objectives of Section 6(b)(4),[13] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

Flag D

The Exchange believes that its proposal to increase the fees for orders yielding Flag D represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities. Prior to the NYSE's March 2014 fee change, the NYSE charged DE Route a fee of $0.0025 per share in securities priced at or above $1.00, which DE Route passed through to the Exchange and the Exchange charged its Members. When DE Route routes to the NYSE, it will now be charged a standard rate of $0.0026 per share. The Exchange does not levy additional fees or offer additional rebates for orders that it routes to the NYSE through DE Route. Therefore, the Exchange believes that the proposed change to Flag D is equitable and reasonable because it accounts for the pricing changes on the NYSE, which enables the Exchange to charge its Members the applicable pass-through rate. Lastly, the Exchange notes that routing through DE Route is voluntary and believes that the proposed change is non-discriminatory because it applies uniformly to all Members.

Flag U

The Exchange believes that its proposal to decrease the fees for orders yielding Flag U represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities. Prior to LavaFlow's March 2014 fee change, LavaFlow charged DE Route a fee of $0.0030 per share to remove liquidity in securities priced at or above $1.00, which DE Route passed through to the Exchange and the Exchange charged its Members. When DE Route routes to LavaFlow, it will now be charged a standard rate of $0.0028 per share. The Exchange does not levy additional fees or offer additional rebates for orders that it routes to LavaFlow through DE Route. Therefore, the Exchange believes that the proposed change to Flag U is equitable and reasonable because it accounts for the pricing changes on LavaFlow, which enables the Exchange to charge its Members the applicable pass-through rate. Lastly, the Exchange notes that routing through DE Route is voluntary and believes that the proposed change is non-discriminatory because it applies uniformly to all Members.

Flag RW

The Exchange believes that its proposal to increase the fees for orders yielding Flag RW represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities. Prior to CBSX's March 2014 fee change, CBSX charged DE Route a fee of $0.0018 per share to remove liquidity from CBSX in securities priced at or above $1.00 and no fee for securities priced below $1.00, which DE Route passed through to the Exchange and the Exchange charged its Members. When DE Route routes to and adds liquidity on the CBSX, it will now be charged a standard rate of $0.0030 per share or 0.30% of the trade's value, as described above. The Exchange does not levy additional fees or offer additional rebates for orders that it routes to CBSX through DE Route. Therefore, the Exchange believes that the proposed changes to Flag RW are equitable and reasonable because they account for the pricing changes on CBSX, which enables the Exchange to charge its Members the applicable pass-through rate. Lastly, the Exchange notes that routing through DE Route is voluntary and believes that the proposed change is non-discriminatory because it applies uniformly to all Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor EDGX's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

In particular, the Exchange believes that its proposal to pass through the amended fees for orders that yield Flags D, U, and RW would increase intermarket competition because it offers customers an alternative means to route to the NYSE, LavaFlow, and CBSX respectively for the same price that they would be charged if they entered orders on those trading centers directly. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(2)[15] thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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:

[10] *See* CBSX, Information Circular IC14–011, *http://www.cbsx.com/publish/InfoCir/IC14-011.pdf.*

[11] The Exchange notes that to the extent DE Route does or does not achieve any volume tiered reduced fee on CBSX, its rate for Flag RW will not change.

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b-4 (f)(2).

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–EDGX–2014–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGX–2014–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGX–2014–04, and should be submitted on or before April 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05840 Filed 3–17–14; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71691; File No. SR–EDGA–2014–04]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGA Exchange, Inc. Fee Schedule

March 11, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 5, 2014, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') 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 the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees and rebates applicable to Members [3] of the Exchange pursuant to EDGA Rule 15.1(a) and (c) (''Fee Schedule'') to: (i) Increase the fee for orders yielding Flag D, which route or re-route orders to the New York Stock Exchange LLC (''NYSE''); (ii) decrease the fee for orders yielding Flag U, which route to LavaFlow, Inc. (''LavaFlow''); and (iii) increase the fee for orders yielding Flag RW, which route to the CBOE Stock Exchange, LLC (''CBSX'') and adds liquidity. The text of the proposed rule change is available on the Exchange's Internet Web site at *www.directedge.com*, at the Exchange's principal office, and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to: (i) Increase the fee for orders yielding Flag D, which route or re-route to the NYSE; (ii) decrease the fee for orders yielding Flag U, which route to LavaFlow; and (iii) increase the fee for orders yielding Flag RW, which route to the CBSX and add liquidity.

Flag D

In securities priced at or above $1.00, the Exchange currently charges a fee of $0.0025 per share for Members' orders that yield Flag D, which route or re-route orders to the NYSE. The Exchange proposes to amend its Fee Schedule to increase the fee for orders that yield Flag D to $0.0026 per share in securities priced at or above $1.00.[4] The proposed change represents a pass through of the rate Direct Edge ECN LLC (d/b/a DE Route) (''DE Route''), the Exchange's affiliated routing broker-dealer, is charged for routing orders to the NYSE that remove liquidity when it does not qualify for a volume tiered reduced fee. The proposed change is in response to the NYSE's March 2014 fee change where the NYSE increased its fee from $0.0025 per share to $0.0026 per share for orders in securities priced at or above $1.00.[5] When DE Route routes to and removes liquidity on the NYSE, it will now be charged a standard rate of $0.0026 per share.[6] DE Route will pass through this rate it is charged on the NYSE to the Exchange and the Exchange, in turn, will pass through this rate to its Members.

Flag U

In securities priced at or above $1.00, the Exchange currently charges a fee of $0.0030 per share for Members' orders that yield Flag U, which route to LavaFlow. The Exchange proposes to amend its Fee Schedule to decrease the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

[4] The Exchange does not propose to amend its fee for orders that yield Flag D in securities priced below $1.00.

[5] *See* NYSE Trader Update dated February 26, 2014, *http://www.nyse.com/pdfs/NYSE%20Client%20Notice%20Fees%2003%202014.pdf.*

[6] The Exchange notes that to the extent DE Route does or does not achieve any volume tiered reduced fee on the NYSE, its rate for Flag D will not change.

fee for orders that yield Flag U to $0.0028 per share in securities priced at or above $1.00.[7] The proposed change represents a pass through of the rate DE Route, the Exchange's affiliated routing broker-dealer, is charged for routing orders to LavaFlow that remove liquidity when it does not qualify for a volume tiered reduced fee. The proposed change is in response to LavaFlow's March 2014 fee change where LavaFlow decreased its fee from $0.0030 per share to $0.0028 per share for orders in securities priced at or above $1.00.[8] When DE Route routes to and removes liquidity on LavaFlow, it will now be charged a standard rate of $0.0028 per share.[9] DE Route will pass through this rate it is charged on LavaFlow to the Exchange and the Exchange, in turn, will pass through this rate to its Members.

Flag RW

In securities priced at or above $1.00, the Exchange currently charges a fee of $0.0018 per share for Members' orders that yield Flag RW, which routes to the CBSX and adds liquidity. The Exchange does not currently charge a fee for orders in securities priced below $1.00 that yield Flag RW. The Exchange proposes to amend its Fee Schedule to increase the fee for orders that yield Flag RW to $0.0030 per share in securities priced at or above $1.00 and 0.30% of the trade's dollar value in securities priced below $1.00. The proposed change represents a pass through of the rate that DE Route, the Exchange's affiliated routing broker-dealer, is charged for routing orders that add liquidity to CBSX when it does not qualify for a volume tiered reduced fee. The proposed change is in response to CBSX's March 2014 fee change where the CBSX increased its fee from $0.0018 per share to $0.0030 per share for orders in securities priced at or above $1.00 and instituted a charge of 0.30% of the trade's dollar value in securities priced below $1.00.[10] When DE Route routes to and adds liquidity on the CBSX, it will now be charged a standard rate of $0.0030 per share or 0.30% of the trade's value, as described above.[11] DE Route will pass through this rate it is charged on CBSX to the Exchange and the Exchange, in turn, will pass through this rate to its Members.

Implementation Date

The Exchange proposes to implement these amendments to its Fee Schedule on March 5, 2014.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[12] in general, and furthers the objectives of Section 6(b)(4),[13] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

Flag D

The Exchange believes that its proposal to increase the fees for orders yielding Flag D represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities. Prior to the NYSE's March 2014 fee change, the NYSE charged DE Route a fee of $0.0025 per share in securities priced at or above $1.00, which DE Route passed through to the Exchange and the Exchange charged its Members. When DE Route routes to the NYSE, it will now be charged a standard rate of $0.0026 per share. The Exchange does not levy additional fees or offer additional rebates for orders that it routes to the NYSE through DE Route. Therefore, the Exchange believes that the proposed change to Flag D is equitable and reasonable because it accounts for the pricing changes on the NYSE, which enables the Exchange to charge its Members the applicable pass-through rate. Lastly, the Exchange notes that routing through DE Route is voluntary and believes that the proposed change is non-discriminatory because it applies uniformly to all Members.

Flag U

The Exchange believes that its proposal to decrease the fees for orders yielding Flag U represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities. Prior to LavaFlow's March 2014 fee change, LavaFlow charged DE Route a fee of $0.0030 per share to remove liquidity in securities priced at or above $1.00, which DE Route passed through to the Exchange and the Exchange charged its Members. When DE Route routes to LavaFlow, it will now be charged a standard rate of $0.0028 per share. The Exchange does not levy additional fees or offer additional rebates for orders that it routes to LavaFlow through DE Route. Therefore, the Exchange believes that the proposed change to Flag U is equitable and reasonable because it accounts for the pricing changes on LavaFlow, which enables the Exchange to charge its Members the applicable pass-through rate. Lastly, the Exchange notes that routing through DE Route is voluntary and believes that the proposed change is non-discriminatory because it applies uniformly to all Members.

Flag RW

The Exchange believes that its proposal to increase the fees for orders yielding Flag RW represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities. Prior to CBSX's March 2014 fee change, CBSX charged DE Route a fee of $0.0018 per share to remove liquidity from CBSX in securities priced at or above $1.00 and no fee for securities priced below $1.00, which DE Route passed through to the Exchange and the Exchange charged its Members. When DE Route routes to and adds liquidity on the CBSX, it will now be charged a standard rate of $0.0030 per share or 0.30% of the trade's value, as described above. The Exchange does not levy additional fees or offer additional rebates for orders that it routes to CBSX through DE Route. Therefore, the Exchange believes that the proposed changes to Flag RW are equitable and reasonable because they account for the pricing changes on CBSX, which enables the Exchange to charge its Members the applicable pass-through rate. Lastly, the Exchange notes that routing through DE Route is voluntary and believes that the proposed change is non-discriminatory because it applies uniformly to all Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor EDGA's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will

[7] The Exchange does not propose to amend its fee for orders that yield Flag U in securities priced below $1.00.

[8] *See* LavaFlow Pricing, *available at https://www.lavatrading.com/solutions/pricing.php.*

[9] The Exchange notes that to the extent DE Route does or does not achieve any volume tiered reduced fee on LavaFlow, its rate for Flag U will not change.

[10] *See* CBSX, Information Circular IC14–011, *http://www.cbsx.com/publish/InfoCir/IC14-011.pdf.*

[11] The Exchange notes that to the extent DE Route does or does not achieve any volume tiered reduced fee on CBSX, its rate for Flag RW will not change.

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4).

impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

In particular, the Exchange believes that its proposal to pass through the amended fees for orders that yield Flags D, U, and RW would increase intermarket competition because it offers customers an alternative means to route to the NYSE, LavaFlow, and CBSX respectively for the same price that they would be charged if they entered orders on those trading centers directly. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b-4(f)(2) [15] thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–EDGA–2014–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGA–2014–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGA–2014–04, and should be submitted on or before April 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05839 Filed 3–17–14; 8:45 am]

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[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4 (f)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71705; File No. SR–ISE–2014–14]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

March 12, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 4, 2013, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE proposes to amend its Schedule of Fees to extend the Qualified Contingent Cross (''QCC'') and Solicitation rebate to solicited orders executed in the Price Improvement Mechanism (''PIM'') and Facilitation Mechanism. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Schedule of Fees to extend the QCC and Solicitation rebate to solicited orders executed in the PIM and in the Facilitation Mechanism. The fee changes discussed apply to both Standard Options and Mini Options traded on the Exchange. The Exchange's Schedule of Fees has separate tables for fees applicable to Standard Options and Mini Options. The Exchange notes that while the discussion below relates to fees for Standard Options, the fees for Mini Options, which are not discussed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

below, are and shall continue to be 1/10th of the fees for Standard Options.

The Exchange currently provides tiered rebates, in all symbols, for each originating side in QCC orders and orders executed in the Solicited Order Mechanism, based on a Member's volume in these crossing mechanisms during a month.[3] Currently this rebate is $0.07 per contract for Members that execute 200,000 to 499,999 contracts, $0.08 per contract for Members that execute 500,000 to 699,999 contracts, $0.09 per contract for Members that execute 700,000 to 999,999 contracts, and $0.11 per contract for Members that execute 1,000,000 contracts or more in a given month. The Exchange now proposes to extend this pricing to include solicited orders executed in the PIM and in the Facilitation Mechanism, i.e., orders executed in the PIM and in the Facilitation Mechanism where the agency order is executed against a solicited contra order,[4] in addition to QCC orders and orders executed in the Solicited Order Mechanism. With this proposed change, Members will receive a rebate for all solicited Crossing Orders as long as they meet the required volume threshold.

2. Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general, and Section 6(b)(4) of the Act,[6] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to extend the current structure for QCC and Solicitation rebates to solicited orders executed in the PIM and in the Facilitation Mechanism as the Exchange is attempting to incentivize that order flow. Members may enter orders in each of the QCC, Solicited Order, Facilitation, and Price Improvement Mechanisms with a contra order that has been solicited from another party. Currently, however, only QCC orders and orders executed in the Solicited Order Mechanism qualify for the rebate. The Exchange believes that it is more equitable to provide rebates to all solicited Crossing Orders, regardless of the crossing mechanism in which they are executed.

The Exchange notes that it has determined to charge fees and provide rebates in Mini Options at a rate that is 1/10th the rate of fees and rebates the Exchange provides for trading in Standard Options. The Exchange believes it is reasonable and equitable and not unfairly discriminatory to assess lower fees and rebates to provide market participants an incentive to trade Mini Options on the Exchange. The Exchange believes the proposed fees are reasonable and equitable in light of the fact that Mini Options have a smaller exercise and assignment value, specifically 1/10th that of a standard option contract, and, as such, is providing fees for Mini Options that are 1/10th of those applicable to Standard Options.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[7] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change is pro-competitive as it is designed to attract additional order flow to the ISE's Price Improvement Mechanism and the Facilitation Mechanism. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[8] and subparagraph (f)(2) of Rule 19b–4 thereunder,[9] because it establishes a due, fee, or other charge imposed by ISE.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an Email to *rule-comments@sec.gov.* Please include File No. SR–ISE–2014–14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2014–14. 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

[3] Volume in Standard Options and Mini Options will be combined to calculate the tier a Member has reached. Based on the tier achieved, the Member will be rebated for that tier for all the Standard Options traded at the Standard Option rebate amount and for all the Mini Options traded at the Mini Option rebate amount.

[4] *See* ISE Rules 723 and 716(d) for rules governing the Price Improvement and Facilitation Mechanisms, respectively. An Electronic Access Member may either facilitate a Price Improvement or Facilitation Order it represents as agent or solicit interest to execute against an order it represents as agent.

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78f(b)(8).

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

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 ISE. 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–ISE–2014–14 and should be submitted by April 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05873 Filed 3–17–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71703; File No. SR–NASDAQ–2014–023]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to NASDAQ Options Market Fees and Rebates

March 12, 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 March 3, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ proposes to modify Chapter XV, entitled ''Options Pricing,'' at Section 2 governing pricing for NASDAQ members using the NASDAQ Options Market (''NOM''), NASDAQ's facility for executing and routing standardized equity and index options. Specifically, NOM proposes amending Customer[3] and Professional[4] Rebates To Add Liquidity in Penny Pilot Options[5]; amending *note d* and adopting proposed *note e*; amending NOM Market Maker[6] Rebates to Add Liquidity in Penny Pilot Options; and amending the NOM Market Maker Fee for Removing Liquidity in Penny Pilot Options.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaq.cchwallstreet.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ proposes to amend Customer, Professional and Market Maker Rebates to Add Liquidity in Penny Pilot Options in order to continue to incentivize Participants to select NOM as a venue when directing order flow. The Exchange also proposes to increase the NOM Market Maker Fee for Removing Liquidity in Penny Pilot Options in permit the Exchange to continue to offer rebate incentives to attract liquidity to the Exchange. Specifically, the Exchange proposes to amending Tier 1, Tier 2, Tier 3, Tier 4, and Tier 5 Customer and Professional Rebates to Add Liquidity in Penny Pilot Options by modifying certain percentage metrics; amending *note d,* which is applicable to Customer and Professional rebate Tiers 7 and 8, and adopting proposed *note e*, which would be applicable to Customer and Professional rebate Tier 8; amending Tier 1, Tier 2, Tier 3, Tier 4, and Tier 5, and adding Tier 6, regarding NOM Market Maker Rebates to Add Liquidity in Penny Pilot Options by modifying certain percentage metrics; and amending the NOM Market Maker Fee for Removing Liquidity in Penny Pilot Options.

Rebates for Adding Customer and/or Professional Liquidity

The Exchange currently pays Customer and Professional Rebates to Add Liquidity in Penny Pilot Options based on an eight tier rebate structure, which is found in Chapter XV Section 2(1), as follows:

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Customer'' means any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional'' (as that term is defined in Chapter I, Section 1(a)(48)). *See* Chapter XV.

[4] The term ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) pursuant to Chapter I, Section 1(a)(48). All Professional orders shall be appropriately marked by Participants. *See* Chapter XV.

[5] The Penny Pilot was established in March 2008 and in October 2009 was expanded and extended through June 30, 2014. *See* Securities Exchange Act Release Nos. 57579 (March 28, 2008), 73 FR 18587 (April 4, 2008) (SR–NASDAQ–2008–026) (notice of filing and immediate effectiveness establishing Penny Pilot); 60874 (October 23, 2009), 74 FR 56682 (November 2, 2009)(SR–NASDAQ–2009–091) (notice of filing and immediate effectiveness expanding and extending Penny Pilot); 60965 (November 9, 2009), 74 FR 59292 (November 17, 2009)(SR–NASDAQ–2009–097) (notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 61455 (February 1, 2010), 75 FR 6239 (February 8, 2010) (SR–NASDAQ–2010–013) (notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 62029 (May 4, 2010), 75 FR 25895 (May 10, 2010) (SR–NASDAQ–2010–053) (notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 65969 (December 15, 2011), 76 FR 79268 (December 21, 2011) (SR–NASDAQ–2011–169) (notice of filing and immediate effectiveness extension and replacement of Penny Pilot); 67325 (June 29, 2012), 77 FR 40127 (July 6, 2012) (SR–NASDAQ–2012–075) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through December 31, 2012); 68519 (December 21, 2012), 78 FR 136 (January 2, 2013) (SR–NASDAQ–2012–143) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through June 30, 2013); 69787 (June 18, 2013), 78 FR 37858 (June 24, 2013) (SR–NASDAQ–2013–082) and 71105 (December 17, 2013), 78 FR 77530 (December 23, 2013) (SR–NASDAQ–2013–154). *See also* NOM Rules, Chapter VI, Section 5.

[6] The term ''NOM Market Maker'' means a Participant that has registered as a Market Maker on NOM pursuant to Chapter VII, Section 2, and must also remain in good standing pursuant to Chapter VII, Section 4. In order to receive NOM Market Maker pricing in all securities, the Participant must be registered as a NOM Market Maker in at least one security. *See* Chapter XV.

	Monthly volume	Rebate to add liquidity
Tier 1	Participant adds Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of up to 0.20% of total industry customer equity and ETF option average daily volume (''ADV'') contracts per day in a month.	$0.25.
Tier 2	Participant adds Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.20% to 0.30% of total industry customer equity and ETF option ADV contracts per day in a month.	$0.42.
Tier 3	Participant adds Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.30% to 0.40% of total industry customer equity and ETF option ADV contracts per day in a month.	$0.43.
Tier 4	Participant adds Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.40% or more of total industry customer equity and ETF option ADV contracts per day in a month.	$0.45.
Tier 5	Participant adds (1) Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 25,000 or more contracts per day in a month, (2) the Participant has certified for the Investor Support Program set forth in Rule 7014, and (3) the Participant executed at least one order on NASDAQ's equity market.	$0.45.
Tier 6	Participant has Total Volume of 100,000 or more contracts per day in a month, of which 25,000 or more contracts per day in a month must be Customer and/or Professional liquidity in Penny Pilot Options.	$0.45.
Tier 7	Participant has Total Volume of 150,000 or more contracts per day in a month, of which 50,000 or more contracts per day in a month must be Customer and/or Professional liquidity in Penny Pilot Options.	$0.47.
Tier 8	Participant adds Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 0.75% or more of national customer volume in multiply-listed equity and ETF options classes in a month.	$0.48 (Customer) and $0.47 (Professional).

The Exchange is proposing to make amendments to Customer and Professional Rebate to Add Liquidity Tiers 1 through 5 as noted below.

The Exchange proposes to amend the Tier 1 Customer and Professional Penny Pilot Options Rebates to Add Liquidity by modifying the percentage of volume from 0.20% to 0.10% of the total industry customer equity and ETF option ADV contracts per day in a month (generally known in this proposal as the ''percentage eligibility metric''). The Exchange proposes to also reduce from $0.25 to $0.20 per contract the Tier 1 Customer and Professional Rebates to Add Liquidity. This amendment simultaneously modifies the percentage eligibility metric and the rebate for Tier 1. With this amendment, the Exchange would pay a Tier 1 $0.20 per contract rebate to Participants that add Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of up to 0.10% of total industry customer equity and ETF option ADV contracts per day in a month.

The Exchange proposes to amend the Tier 2 Customer and Professional Penny Pilot Options Rebates to Add Liquidity by modifying the percentage of volume from above 0.20% to 0.30% to above 0.10% to 0.20% of the total industry customer equity and ETF option ADV contracts per day in a month. The Exchange proposes to also reduce from $0.42 to $0.25 per contract the Customer and Professional Tier 2 Rebates to Add Liquidity. This amendment simultaneously modifies the percentage eligibility metric and the rebate for Tier 2. With this amendment, the Exchange would pay a Tier 2 $0.25 per contract rebate to Participants that add Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.10% to 20% of total industry customer equity and ETF option ADV contracts per day in a month.

The Exchange proposes to amend the Tier 3 Customer and Professional Penny Pilot Options Rebates to Add Liquidity by modifying the percentage of volume from above 0.30% to 0.40% to above 0.20% to 0.30% of the total industry customer equity and ETF option ADV contracts per day in a month. The Exchange proposes to also reduce from $0.43 to $0.42 per contract the Customer and Professional Tier 3 Rebates to Add Liquidity. This amendment simultaneously modifies the percentage eligibility metric and the rebate for Tier 3. With this amendment, the Exchange would pay a Tier 3 $0.42 per contract rebate to Participants that add Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.20% to 30% of total industry customer equity and ETF option ADV contracts per day in a month.

The Exchange proposes to amend the Tier 4 Customer and Professional Penny Pilot Options Rebates to Add Liquidity by changing the percentage eligibility metric from above 0.40% to above 0.30% to 0.40% of the total industry customer equity and ETF option ADV contracts per day in a month. The Exchange proposes to also reduce from $0.45 to $0.43 per contract the Customer and Professional Tier 4 Rebates to Add Liquidity. This amendment simultaneously modifies the percentage eligibility metric and the rebate for Tier 4. The Exchange believes that deleting the words ''or more'' brings greater clarity to the rule text as proposed. With this amendment, the Exchange would pay a Tier 4 rebate of $0.43 per contract to Participants that add Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options from above 0.40% to above 0.30% to 0.40% of total industry customer equity and ETF option ADV contracts per day in a month.

The Exchange proposes to amend the Tier 5 Customer and Professional Penny Pilot Options Rebates to Add Liquidity to add an alternative to the current contracts per day metric. Specifically, the Exchange proposes to add the alternative metric of above 0.40% of total industry customer equity and ETF option ADV contracts per day in a month to the requirements to qualify for Tier 5. With this amendment, the Exchange would pay a Tier 5 $0.45 per contract rebate where Participants add Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.40% of total industry customer equity and ETF option ADV contracts per day in a month, or Participant adds liquidity per the current Tier 5 metric where Participant adds (1) Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot

Options of 25,000 or more contracts per day in a month, (2) the Participant has certified for the Investor Support Program set forth in Rule 7014, and (3) the Participant executed at least one order on NASDAQ's equity market. The Exchange is not amending the current qualification for the Tier 5 Customer and Professional rebate, but is adding an alternate method to qualify for the tier to provide Participants another opportunity to earn a rebate.

The Exchange would continue to incentivize Participants, with Customer and Professional Tiers 1 through 5 rebates, as amended, to direct liquidity to the Exchange by paying the specified rebates to those Participants that add Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options according to metrics keyed to industry customer equity and ETF option average ADV contracts per day in a month.

There are also four explanatory *notes* applicable to Customer and Professional Tiers 5 through 8, notes b:

[a] For purposes of Tier 5, the Exchange will allow a NOM Participant to qualify for the rebate if a NASDAQ member under Common Ownership with the NOM Participant has certified for the Investor Support Program and executed at least one order on NASDAQ's equity market.

[b] For purposes of Tiers 6, 7 and 8, ''Total Volume'' shall be defined as Customer, Professional, Firm, Broker-Dealer, Non-NOM Market Maker and NOM Market Maker volume in Penny Pilot Options and/or Non-Penny Pilot Options which either adds or removes liquidity on NOM.

[c] For purposes of Tiers 6, 7 and 8, the Exchange will allow NOM Participants under Common Ownership to aggregate their volume to qualify for the rebate.

[d] Participants that qualify for Customer or Professional Rebate to Add Liquidity Tiers 7 or 8 in a given month will be assessed a Professional, Firm, Non-NOM Market Maker or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options of $0.48 per contract.

The Exchange is proposing to amend *note d*, which is applicable to Tiers 7 and 8, and to adopt *note e*, which would be applicable to Tier 8.

In particular, the Exchange proposes to amend *note d* to indicate that it is applicable to Participants under Common Ownership.[7] As such, *note d* would be applicable not only to individual Participants but also to Participants under 75% common ownership or control. The Exchange also proposes to add NOM Market Makers to the list of participants to which a Fee for Removing Liquidity in Penny Pilot Options will be assessed. With this amendment, *note d* would state that ''Participants or Participants under Common Ownership that qualify for Customer or Professional Rebate to Add Liquidity Tiers 7 or 8 in a given month will be assessed a Professional, Firm, Non-NOM Market Maker, NOM Market Maker or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options of $0.48 per contract.'' [8]

The Exchange also proposes to adopt *note e* that would be applicable to Tier 8 Customer Rebates.[9] The proposed note would add an additional $0.02 per contract Penny Pilot Options Customer Rebate to Add Liquidity in addition to the Penny Pilot Option Customer rebate of $0.48 per contract currently applicable to Tier 8. With this amendment, proposed *note e* would state that Participants that add Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 1.25% or more of national customer volume in multiply-listed equity and ETF options classes in a month will receive an additional $0.02 per contract Penny Pilot Options Customer Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month. As such, Participants would continue to earn a $0.47 per contract Professional Rebate per Tier 8, but, with this proposal, would be able to earn a $0.50 per contract Customer Rebate per *note e.*

Rebates for Adding NOM Market Maker Liquidity

The Exchange currently pays NOM Market Maker Rebates to Add Liquidity based on a five tier rebate structure, which is found in Chapter XV Section 2(1), as follows:

	Monthly volume	Rebate to add liquidity
Tier 1	Participant adds NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of up to 29,999 contracts per day in a month.	$0.25.
Tier 2	Participant adds NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 30,000 to 59,999 contracts per day in a month.	$0.30.
Tier 3	Participant adds NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 60,000 to 69,999 contracts per day in a month.	$0.32.
Tier 4	Participant adds NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 70,000 or more contracts per day in a month.	$0.32 or $0.38 in the following symbols BAC, GLD, IWM, QQQ and VXX or $0.40 in SPY.
Tier 5	Participant adds NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 40,000 or more contracts per day in a month and qualifies for the Tier 7 or Tier 8 Customer and/or Professional Rebate to Add Liquidity in Penny Pilot Options.	$0.40.

For purposes of qualifying for a NOM Market Maker Penny Pilot Options Rebate to Add Liquidity tier, the Exchange today calculates the number of contracts per day in a month. Similarly to the metric used to calculate Customer and/or Professional Rebates to add Liquidity in Penny Pilot Options, the Exchange proposes to make certain amendments to the NOM Market Maker Rebate to Add Liquidity Tiers 1 through 5, and add a new Tier 6, to establish a metric of total industry customer equity and ETF option ADV contracts per day in a month.

The Exchange proposes to modify the Tier 1 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of 29,999 contracts per day in a month to 0.10% of total industry customer equity and ETF option ADV contracts per day in a month. The Exchange proposes to also

[7] The term ''Common Ownership'' shall mean Participants under 75% common ownership or control. *See* Chapter XV definitions.

[8] Commensurate with adding a reference to NOM Market Maker in *note d* as amended, the Exchange proposes to add a reference to *note d* in the line reflecting a NOM Market Maker Fee for Removing Liquidity in Penny Pilot Options, and to amend the Fee for Removing Liquidy from $0.48 to $0.49 per contract, as proposed herein.

[9] Tier 8 pays a $0.48 per contract Customer Rebate to Add Liquidity in Penny Pilot Options and a $0.47 per contract Professional Rebate to Add Liquidity in Penny Pilot Options.

reduce the Tier 1 NOM Marker Maker Rebate to Add Liquidity in Penny Pilot Options from $0.25 to $0.20 per contract. This amendment simultaneously establishes a percentage eligibility metric and modifies the Tier 1 rebate. With this amendment, the Exchange would pay a $0.20 per contract rebate to Participants that add NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of up to 0.10% of total industry customer equity and ETF option ADV contracts per day in a month.

The Exchange proposes to modify the Tier 2 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of 30,000 to 59,999 contracts per day in a month to above 0.10% to 0.30% of total industry customer equity and ETF option ADV contracts per day in a month. The Exchange proposes to also reduce the Tier 2 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity from $0.30 to $0.25 per contract. This amendment simultaneously establishes a percentage eligibility metric and modifies the Tier 2 rebate. With this amendment, the Exchange would pay a $0.25 per contract Tier 2 rebate to Participants that add NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.10% to 0.30% of total industry customer equity and ETF option ADV contracts per day in a month.

The Exchange proposes to modify the Tier 3 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric from 60,000 to 69,999 contracts per day in a month to above 0.30% to 0.60% of total industry customer equity and ETF option ADV contracts per day in a month. The Exchange proposes to also reduce the Tier 3 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity from $0.32 to $0.30 per contract. This amendment simultaneously establishes a percentage eligibility metric and modifies the Tier 3 rebate. With this amendment, the Exchange would pay a $0.30 per contract rebate to Participants that add NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.30% to 0.60% of total industry customer equity and ETF option ADV contracts per day in a month.

The Exchange proposes to modify the Tier 4 NOM Market Maker Rebate to Add Liquidity by amending the metric of 70,000 or more contracts per day in a month to above 0.60% of total industry customer equity and ETF option ADV contracts per day in a month. The Exchange would continue to pay a Tier 4 rebate of $0.32 or $.38 per contract in symbols BAC, GLD, IWM, QQQ and VXX or $0.38 per contract in SPY; the rebate would be paid to Participants that add NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.60% of total industry customer equity and ETF option ADV contracts per day in a month.

The Exchange proposes to modify the Tier 5 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of 40,000 or more contracts per day in a month to above 0.30% of total industry customer equity and ETF option ADV contracts per day in a month, and qualify for the Tier 7 or 8 Customer and/or Professional Rebate. The Exchange would continue to pay a Tier 5 rebate of $.40 per contract rebate to Participants that add NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.30% of total industry customer equity and ETF option ADV contracts per day in a month and qualify for the Tier 7 or 8 Customer and/or Professional Rebate to Add Liquidity in Penny Pilot Options.

The Exchange also proposes to adopt a new Tier 6 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by offering Participants that add the highest level of NOM Market Maker liquidity a rebate. Proposed Tier 6 would have a format similar to other NOM Market Maker liquidity rebate tiers. With this amendment, the Exchange would pay a $0.42 per contract rebate to Participants that add NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.80% of total industry customer equity and ETF option ADV contracts per day in a month and qualifies for the Tier 7 or Tier 8 Customer and/or Professional Rebate to Add Liquidity in Penny Pilot Options.

The Exchange would continue to incentivize Participants, with NOM Market Maker rebate Tiers 1 through 6 as amended, to provide liquidity by paying specified rebates to those Participants that add NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options according to percentage metrics keyed to industry customer equity and ETF option average ADV contracts per day in a month. The proposed percentage metrics are dynamic in that they reference total industry options contracts per day rather than a static number of contracts, and thereby make the NOM Market Maker rebate structure similar for Customer and/or Professional Penny Pilot Options as well as for NOM Market Makers for similar products (e.g. Penny Pilot Options and Non-Penny Pilot Options).[10]

2. Statutory Basis

NASDAQ believes that its proposal to amend its Pricing Schedule is consistent with Section 6(b) of the Act [11] in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of the Act [12] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's goal is to modify or institute percentage eligibility thresholds and adjust Penny Pilot Options Rebates to Add Liquidity in order to continue to encourage market participants to direct a greater amount of Customer, Professional and NOM Market Maker liquidity to the Exchange. The Exchange's proposal does not eliminate rebates or the ability for market participants to earn rebates, but rather is modifying and explaining the methodology to earn rebates as noted herein.

Rebates for Adding Customer and/or Professional Liquidity

The Exchange proposes to amend Tiers 1, 2, 3, 4, and 5 regarding Customer and Professional Penny Pilot Options Rebates to Add Liquidity by modifying the applicable percentage metric and amending certain rebates. This proposal is reasonable, equitable and not unfairly discriminatory for the reasons noted below.

The Exchange's proposal to amend the Tier 1 Customer and Professional Penny Pilot Options Rebate to Add Liquidity rebates from $0.25 to $0.20 per contract and also reduce the percentage eligibility metric from 0.20% to 0.10% is reasonable because while Participants may get a moderately smaller rebate, they would qualify for the rebate at a significantly lower percentage metric. Thus, the Exchange is still paying a rebate to incentivize Participants to transact a qualifying number of Customer and/or Professional contracts on the Exchange and receive a rebate. While certain Participants that currently qualify for certain rebate tiers may receive lower rebates with this proposal, the Exchange believes that the rebates will continue to incentivize NOM Participants to direct Customer

[10] The Exchange notes that if a Participant qualifies for two tiers, the higher rebate will be paid in a given month.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4), (5).

and Professional order flow to the Exchange to receive these rebates. However, for those Participants as for all NOM Participants, there are no barriers to earning greater Penny Pilot Options rebates by adding further liquidity on NOM in Penny Pilot Options and Non-Penny Pilot Options. A NOM Participant may choose to earn greater or lower rebates dependent on the amount of order flow directed to NOM. It also worth noting that the Exchange is under no obligation to offer rebates and does so to provide incentives to market participants to choose NOM over other similarly positioned options exchanges.

The Exchange's proposal to amend the Tier 1 Customer and Professional Penny Pilot Options Rebate to Add Liquidity rebates from $0.25 to $0.20 per contract and also reduce the percentage eligibility metric from 0.20% to 0.10% is equitable and not unfairly discriminatory because all eligible Participants that qualify for the Tier 1 Customer and Professional Penny Pilot Options Rebate to Add Liquidity will be uniformly paid the rebate.

The Exchange's proposal to amend the Tier 2 Customer and Professional Penny Pilot Options Rebate to Add Liquidity rebates from $0.42 to $0.25 per contract and also reduce the percentage eligibility metric from above 0.20% to 0.30% to above 0.10% to 0.20% is reasonable because, while the rebate is being reduced, the Exchange is still paying a rebate incentive to Participants to transact qualifying Customer and/or Professional volume on the Exchange. The Exchange believes that the amendment is reasonable because while there is a rebate reduction, the Exchange also proposes to significantly reduce the eligibility metric to achieve the rebate, and with corresponding drops in the metrics in this tier and other tiers, Participants may qualify for other rebates when directing liquidity to the Exchange. While the change in the Tier 2 rebate appears to be a steep reduction, the change was made to realign the rebate tier structure (e.g. the combination of Tiers 4 and 5 into a single Tier and the introduction of the amended Tier 1 [sic]). It also important to note that no NOM Participant earned the Tier 2 $0.42 rebate so far in 2014.

The Exchange's proposal to amend the Tier 2 Customer and Professional Penny Pilot Options Rebate to Add Liquidity rebates from $0.42 to $0.25 per contract and also reduce the percentage eligibility metric from above 0.20% to 0.30% to above 0.10% to 0.20% is equitable and not unfairly discriminatory because all eligible Participants that qualify for the Tier 2 Customer and Professional Penny Pilot Options Rebate to Add Liquidity will be uniformly paid the rebate.

The Exchange's proposal to amend the Tier 3 Customer and Professional Penny Pilot Options Rebate to Add Liquidity rebates from $0.43 to $0.42 per contract and also reduce the percentage eligibility metric from above 0.30% to 0.40% to above 0.20% to 0.30% is reasonable because, while the rebate is being reduced, the Exchange is still paying a rebate incentive to Participants to transact qualifying Customer and/or Professional volume on the Exchange. Participants may get a moderately smaller rebate, but they would qualify for the rebate at a significantly lower percentage metric. Thus, the Exchange is still paying a rebate to incentivize Participants to transact a qualifying number of Customer and/or Professional contracts on the Exchange and receive a significant rebate. It also important to note that no NOM Participant earned the $0.43 rebate in 2014.

The Exchange's proposal to amend the Tier 3 Customer and Professional Penny Pilot Options Rebate to Add Liquidity rebates from $0.43 to $0.42 per contract and also reduce the percentage eligibility metric from above 0.30% to 0.40% to above 0.20% to 0.30% is equitable and not unfairly discriminatory because all eligible Participants that qualify for the Tier 3 Customer and Professional Penny Pilot Options Rebate to Add Liquidity will be uniformly paid the rebate.

The Exchange's proposal to amend the Tier 4 Customer and Professional Penny Pilot Options Rebate to Add Liquidity rebates from $0.45 to $0.43 per contract and also reduce the percentage eligibility metric from above 0.40% to above 0.30% to 0.40% is reasonable because, while the rebate is being reduced, the Exchange is still paying a rebate incentive to Participants to transact qualifying Customer and/or Professional volume on the Exchange. Participants may get a moderately smaller rebate, but they would qualify for the rebate at a significantly lower percentage metric. Thus, the Exchange is still paying a rebate to incentivize Participants to transact a qualifying number of Customer and/or Professional contracts on the Exchange and receive a significant rebate. The criteria from Tier 4 today was merged into Tier 5 and current Tier 4 was amended as proposed above. It also important to note no NOM Participants earned rebate pursuant to the Tier 4 in place for February.

The Exchange's proposal to amend the Tier 4 Customer and Professional Penny Pilot Options Rebate to Add Liquidity rebates from $0.45 to $0.43 per contract and also reduce the percentage eligibility metric from above 0.40% to above 0.30% to 0.40% is equitable and not unfairly discriminatory because all eligible Participants that qualify for the Tier 4 Customer and Professional Penny Pilot Options Rebate to Add Liquidity will be uniformly paid the rebate.

The Exchange believes its proposal to amend Chapter XV, Section 2 to delete deleting the words ''or more'' in Tier 4 is reasonable, equitable and not unfairly discriminatory because it adds greater clarity to the rule text and this change would be applied uniformly in calculating the Tier 4 rebate. Also, the Exchange believes that this amendment is non-substantive and merely clarifies the rule text.

The Exchange's proposal to adopt an alternative percentage eligibility metric to the Tier 5 Customer and Professional Penny Pilot Options Tier 5 Rebate to Add Liquidity of above 0.40% of total is reasonable because the additional new metric will provide another method for Participants to qualify for the Customer and Profesional Tier 5 rebate and will continue to incentivize Participants to transact an even greater number of qualifying Customer and/or Professional volume on the Exchange. Additionally, Participants that receive a Tier 5 rebate of $0.45 per contract will continue to earn the rebate but will have an additional means to qualify for this rebate.

The Exchange's proposal to adopt an alternative percentage eligibility metric to the Tier 5 Customer and Professional Penny Pilot Options Tier 5 Rebate to Add Liquidity of above 0.40% of total is equitable and not unfairly discriminatory because all eligible Participants that qualify for the Tier 5 Customer and Professional Penny Pilot Options Rebate to Add Liquidity will be uniformly paid the rebate.

The Exchange's proposal to amend *note d* is reasonable because today, Participants under Common Ownership and NOM Market Makers are not included in *note d.* This amendment provides that all Participants or Participants under Common Ownership that qualify for Customer or Professional Rebate to Add Liquidity Tiers 7 or 8 in a given month will be assessed a Professional, Firm, Non-NOM Market Maker, NOM Market Maker or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options of $0.48 per contract uniformly. As is the case with the rebates proposed above and the fee discount provided in *note d,* competition among similarly positioned

options exchanges (e.g., price/time priority) is the driver behind assessing NOM Market Makers the Fee for Removing Liquidity.

The Exchange's proposal to amend *note d* is equitable and not unfairly discriminatory because as amended the *note* would be uniformly applied to all Participants.

The Exchange's proposal to adopt *note e* is reasonable because Participants would have an opportunity to earn an additional $0.02 per contract Penny Pilot Options Customer Rebate to Add Liquidity for each transaction which adds liquidity in Penny Pilot Options in that month [13] and incentivize Participants to transact an even greater number of qualifying Customer volume.

The Exchange's proposal to adopt *note e* is equitable and not unfairly discriminatory because they will be uniformly applied to all Participants. All Participants will have an equal opportunity to benefit from the proposals if they qualify for the additional rebate.[14]

The Exchange's proposal to add a reference to *note d* in the line reflecting the NOM Market Maker Fee for Removing Liquidity in Penny Pilot Options Liquidity, and to amend the NOM Marker Maker Fee for Removing Liquidity from $0.48 to $0.49 per contract is reasonable because the proposed fee will be equal to the fees assessed to other non-Customers. Further, the Exchange's ability to offer increased Customer and Professional Penny Pilot Options Rebates to Add Liquidity is possible with a corresponding increase to the NOM Market Maker Fee for Removing Liquidity in Penny Pilot Options. The Exchange believes that the rebate brings a greater amount of liquidity to the Exchange which benefits all market participants. As is the case with the rebates proposed above and the fee discount provided in *note d,* competition among similarly positioned options exchanges (e.g., price/time priority) is the driver behind the inclusion of NOM Market Makers into *note d.*

The Exchange's proposal to add a reference to *note d* in the line reflecting the NOM Market Maker Fee for Removing Liquidity in Penny Pilot Options Liquidity, and to amend the NOM Marker Maker Fee for Removing Liquidity from $0.48 to $0.49 per contract is equitable and not unfairly discriminatory because the Exchange is increasing the NOM Market Maker Fee for Removing Liquidity in Penny Pilot Options so that all non-Customer market participants are uniformly assessed this fee. Customers will continue to be assessed the lowest Fees for Removing Liquidity in Penny Pilot Options, as is the case today.[15] Customer liquidity brings unique benefits to the market in terms of liquidity which benefits all market participants.

Rebates for Adding NOM Market Maker Liquidity

The Exchange's proposal to amend NOM Market Maker Rebate to Add Liquidity Tiers 1, 2, 3, 4, and 5, and add new Tier 6, in Penny Pilot Options and establish the applicable percentage metric is reasonable, equitable and not unfairly discriminatory for the reasons noted below.

The Exchange's proposal to modify the Tier 1 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of 29,999 contracts per day in a month to 0.10% of total industry customer equity and ETF option ADV contracts per day in a month, and to reduce the Tier 1 rebate from $0.32 to $0.30 [sic] per contract is reasonable because the decreased rebate, in light of establishment of the new percentage eligibility metric, would be the same for adding NOM Market Maker liquidity as for adding Customer and/or Professional Liquidity. This provides pricing/rebate consistency within the tiers and is continuing to incentivize Participants to transact an even greater number of qualifying Customer and/or Professional volume on NOM.

The Exchange's proposal to modify the Tier 1 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of 29,999 contracts per day in a month to 0.10% of total industry customer equity and ETF option ADV contracts per day in a month, and to reduce the Tier 1 rebate from $0.32 to $0.30 [sic] 'per contract is equitable and not unfairly discriminatory because all eligible Participants that qualify for the Tier 1 NOM Market Maker Rebate to Add Liquidity will be uniformly paid the rebate.

The Exchange's proposal to modify the Tier 2 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of 30,000 to 59,999 contracts per day in a month to above 0.10% to 0.30% of total industry customer equity and ETF option ADV contracts per day in a month, and to reduce the Tier 2 rebate from $0.30 to $0.25 per contract is reasonable because the decreased rebate, in light of establishment of the new percentage eligibility metric that would be the same for adding NOM Market Maker liquidity as for adding Customer and/or Professional Liquidity will provide pricing consistency and continue to incentivize Participants to transact an even greater number of qualifying Customer and/or Professional volume on NOM.

The Exchange's proposal to modify the Tier 2 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of 30,000 to 59,999 contracts per day in a month to above 0.10% to 0.30% of total industry customer equity and ETF option ADV contracts per day in a month, and to reduce the Tier 2 rebate from $0.30 to $0.25 per contract the Rebate to Add Liquidity, is equitable and not unfairly discriminatory because all eligible Participants that qualify for the Tier 2 NOM Market Maker Rebate to Add Liquidity will be uniformly paid the rebate.

The Exchange's proposal to modify the Tier 3 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of from 60,000 to 69,999 contracts per day in a month to above 0.30% to 0.60% of total industry customer equity and ETF option ADV contracts per day in a month, and to reduce the Tier 3 rebate from reduce from $0.32 to $0.30 per contract is reasonable because the decreased rebate, in light of establishment of the new percentage eligibility metric, would be the same for adding NOM Market Maker liquidity as for adding Customer and/or Professional Liquidity will provide pricing consistency and continue to incentivize Participants to transact an even greater number of qualifying Customer and/or Professional volume on NOM.

The Exchange's proposal to modify the Tier 3 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of from 60,000 to 69,999 contracts per day in a month to above 0.30% to 0.60% of total industry customer equity and ETF option ADV contracts per day in a

[13] The proposal would provide Participants an opportunity to earn a rebate of $0.50 per contract, similar to the rebates offered at BATS Options Exchange.

[14] The Exchange believes that it is not unfair or unfairly discriminatory to offer Professionals an additional $0.02 rebate because by offering Professionals slightly higher rebates as compared to other market participants, the Exchange hopes to simply remain competitive with other venues so that it remains a choice for market participants when posting orders and the result may be additional Professional order flow for the Exchange.

[15] The Customer removal fee is $0.47. Customer liquidity benefits all market participants by providing more trading opportunities, which attract Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

month, and to reduce the Tier 3 rebate from reduce from $0.32 to $0.30 per contract is equitable and not unfairly discriminatory because all eligible Participants that qualify for the Tier 3 NOM Market Maker Rebate to Add Liquidity will be uniformly paid the rebate.

The Exchange's proposal to modify the Tier 4 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of from 70,000 or more contracts per day in a month to above 0.60% of total industry customer equity and ETF option ADV contracts per day in a month and continue to pay a Rebate to Add Liquidity is reasonable because the amendment will provide pricing consistency and continue to incentivize Participants to transact an even greater number of qualifying Customer and/or Professional volume on NOM.

The Exchange's proposal to modify the Tier 4 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of from 70,000 or more contracts per day in a month to above 0.60% of total industry customer equity and ETF option ADV contracts per day in a month and continue to pay a $0.32 or $0.38 per contract Rebate to Add Liquidity as currently provided, is equitable and not unfairly discriminatory because all eligible Participants that qualify for the Tier 4 NOM Market Maker Rebate to Add Liquidity will be uniformly paid the rebate.

The Exchange's proposal to modify the Tier 5 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of 40,000 or more contracts per day in a month to above 0.30% of total industry customer equity and ETF option ADV contracts per day in a month and continue to pay a $0.40 per contract Rebate to Addis reasonable because the amendment will provide pricing consistency and continue to incentivize Participants to transact an even greater number of qualifying Customer and/or Professional volume on NOM.

The Exchange's proposal to modify the Tier 5 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity by amending the metric of 40,000 or more contracts per day in a month to above 0.30% of total industry customer equity and ETF option ADV contracts per day in a month and continue to pay a $0.40 Rebate to Add is equitable and not unfairly discriminatory because all eligible Participants that qualify for the Tier 5 NOM Market Maker Rebate to Add Liquidity will be uniformly paid the rebate.

The Exchange's proposal to adopt a new Tier 6 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity for Participants that add the highest level of NOM Market Maker liquidity that would pay a $0.42 per contract rebate to Participants that add NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.80% of total industry customer equity and ETF option ADV contracts per day in a month, and in addition qualify for the Tier 7 or Tier 8 Customer and/or Professional Rebate to Add Liquidity in Penny Pilot Options [16] is reasonable because the amendment will provide pricing consistency and continue to incentivize Participants to transact an even greater number of qualifying Customer and/or Professional volume on NOM.

The Exchange's proposal to adopt a new Tier 6 NOM Market Maker Penny Pilot Options Rebate to Add Liquidity for Participants that add the highest level of NOM Market Maker liquidity that would pay a $0.42 per contract rebate to Participants that add NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.80% of total industry customer equity and ETF option ADV contracts per day in a month, and in addition qualify for the Tier 7 or Tier 8 Customer and/or Professional Rebate to Add Liquidity in Penny Pilot Options [17] is equitable and not unfairly discriminatory because all eligible Participants that qualify for the Tier 6 NOM Market Maker Rebate to Add Liquidity will be uniformly paid the rebate. The Exchange notes that NOM Market Makers have obligations to the market and regulatory requirements,[18] which normally do not apply to other market participants. A NOM Market Maker has the obligation, for example, to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The proposed differentiation as between Customers and NOM Market Makers and other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by Customers and NOM Market Makers, as well as the differing mix of orders entered.

The Exchange would continue to incentivize Participants, with Tiers 1 through 6 NOM Market Maker Penny Pilot Options Rebates to Add Liquidity, as amended, to provide liquidity by paying specified rebates to those Participants that add NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options according to percentage metrics keyed to industry customer equity and ETF option average ADV contracts per day in a month. The proposed percentage metrics are dynamic in nature in that they reference total industry options contracts per day rather than a static number of contracts per day, and thereby make the Rebate structure similar for Customers and/or Professionals as well as for NOM Market Makers for similar products (e.g. Penny Pilot Options and Non-Penny Pilot Options).[19]

In addition, the Exchange believes it is reasonable to use percentage metrics keyed to industry customer equity and ETF option average ADV contracts per day in a month because that is a benchmark that Participants are comfortable with in respect to Customer and Professional liquidity. Moreover, while the Exchange evaluated the continued use of industry market maker volume, the Exchange believes that industry customer volume is a fair metric because it does not have the periodic spikes that may occur due to floor trading. Because NOM is an electronic market place with no trading floor, the Exchange believes that an industry volume metric is fair and reasonable.

[16] For purposes of Tier 7, Participants may add Customer, Professional, Firm, Broker-Dealer, Non-NOM Market Maker and NOM Market Maker volume in Penny Pilot Options and/or Non-Penny Pilot Options and for purposes of Tier 8, Participants may add Customer or Professional liquidity in Penny Pilot or Non-Penny Pilot Options.

[17] For purposes of Tier 7, Participants may add Customer, Professional, Firm, Broker-Dealer, Non-NOM Market Maker and NOM Market Maker volume in Penny Pilot Options and/or Non-Penny Pilot Options and for purposes of Tier 8, Participants may add Customer or Professional liquidity in Penny Pilot or Non-Penny Pilot Options.

[18] Pursuant to Chapter VII (Market Participants), Section 5 (Obligations of Market Makers), in registering as a market maker, an Options Participant commits himself to various obligations. Transactions of a Market Maker in its market making capacity must constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and Market Makers should not make bids or offers or enter into transactions that are inconsistent with such course of dealings. Further, all Market Makers are designated as specialists on NOM for all purposes under the Act or rules thereunder. *See* Chapter VII, Section 5.

[19] The Exchange notes that if a Participant qualifies for two tiers, the higher rebate will be paid.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes that lowering percentage eligibility thresholds in Tiers 1 through 4 and adding a percentage eligibility metric in Tier 5 for Customer and Professional rebates, and amending Tiers 1 through 5 and adding Tier 6 to add percentage eligibility thresholds, will incentivize market participants to send additional order Customer and/or Professional flow to the Exchange. The attraction of additional order flow to the Exchange and should in turn promote competition. The Exchange's addition of percentage eligibility thresholds to the Tier 5 Customer and Professional liquidity rebate should encourage additional Customer and/or Professional order flow to the Exchange. The Exchange's addition of a new Tier 6 NOM Market Maker liquidity rebate for Participants that bring the largest amount of such liquidity should encourage Participants to direct additional NOM Market Maker order flow to the Exchange, and will dovetail with the amended rebate tiers below Tier 6.

Added liquidity benefits all market participants by providing more trading opportunities, which attracts market participants to the Exchange. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. The Exchange believes that encouraging Participants to add Customer, Professional, and NOM Market Maker liquidity creates competition among options exchanges because the Exchange believes that the rebates may cause market participants to select NOM as a venue to send order flow. The Exchange is continuing to offer rebates at specified, lower percentage metrics in exchange for additional add Customer, Professional, and NOM Market Maker order flow being executed at the Exchange, which additional order flow should benefit other market participants.

The Exchange believes that the increase to the NOM Market Maker Penny Pilot Options Fees for Removing Liquidity does not create an undue burden on competition as the Exchange will uniformly assess non-NOM Market Makers the same Fees for Removing Liquidity in Penny Pilot Options and offer these Participants the opportunity to reduce these fees by adding liquidity to the Exchange and qualifying for certain Customer and/or Professional and NOM Market Maker rebates. Thus, all but Customers will be assessed a uniform fee and Customers will continue to earn a lower fee because Customer liquidity offers unique benefits to the market which benefits all market participants.

Finally, the Exchange's proposal to amend *note d* and adopt *note e* does not create an undue burden on competition but rather further clarifies the Exchange's structure of fees for removing liquidity and rebates for adding liquidity.

The Exchange operates in a highly competitive market comprised of twelve U.S. options exchanges in which many sophisticated and knowledgeable market participants can readily and do send order flow to competing exchanges if they deem fee levels or rebate incentives at a particular exchange to be excessive or inadequate. These market forces support the Exchange belief that the proposed rebate structure and tiers proposed herein are competitive with rebates and tiers in place on other exchanges. The Exchange believes that this competitive marketplace continues to impact the rebates present on the Exchange today and substantially influences the proposals set forth above.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[20] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–023 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–023. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–023, and should be submitted on or before April 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05875 Filed 3–17–14; 8:45 am]

BILLING CODE 8011–01–P

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71701; File No. SR–BOX–2014–11]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Market LLC Options Facility

March 12, 2014.

Pursuant to Section 19(b)(1) under the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 4, 2014, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule on the BOX Market LLC (''BOX'') options facility. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule for trading on BOX. In particular, the Exchange proposes to amend certain Exchange Fees for Market Makers and adjust the Tiered Auction Transaction Fees for Initiating Participants based upon monthly average daily volume (ADV) as set forth in Section I of the Fee Schedule. Additionally, the Exchange proposes to introduce a tiered rebate in Section I, the BOX Volume Rebate (''BVR'') for all PIP Orders and COPIP Orders of 250 contracts and under.

In Section I., Exchange Fees, the Exchange proposes to adopt a flat $0.30 fee for all Market Maker Improvement Orders in the PIP or COPIP, as well as Market Maker responses in the Solicitation or Facilitation auction mechanisms.

In Section I.A., Auction Transaction Tiered Fee Schedule for Initiating Participant [5] based upon Monthly Average Daily Volume (''ADV'') in Auction Transactions, the Exchange gives volume incentives for auction transactions to Initiating Participants that, on a daily basis, trade an average daily volume, as calculated at the end of the month, of more than 5,000 contracts on BOX. The Exchange proposes to now base these volumes on the quantity of Primary Improvement Order, Facilitation Order and Solicitation Order contracts submitted by the particular Initiating Participant to the Exchange rather than traded. Under the current Section I.A. an Initiating Participant that submits a Primary Improvement Order [6] will only qualify for the tier based on the amount of those contracts that execute. The proposal will now allow this same Initiating Participant to include all the Primary Improvement Order contracts submitted in qualifying for the volume tier.

For example, an Initiating Participant who submits a Customer Order of 100 contracts to the PIP or COPIP for potential price improvement will also submit a matching 100 contract Primary Improvement Order to guarantee the execution. At the end of the PIP or COPIP auction, the Initiating Participant's Primary Improvement Order retains allocation priority on forty percent (40%) [7] of the Order (or 40 contracts) and then receives additional allocation after all other orders have been filled at the final price level. Today the volume tiers are based on the final allocation the Initiating Participant receives at the end of the auction (40 contracts plus the additional allocation). Under the proposed change the volume tiers will be based on the amount submitted by the Initiating Participant in the Primary Improvement Order; in this example 100 contracts.

The quantity submitted will still be calculated at the end of each month. Additionally, with this change the Exchange proposes to adjust the volume tiers and contract fees associated with each tier. The new per contract fee for Initiating Participants in Auction Transactions set forth in Section I.A. of the BOX Fee Schedule will be as follows:

Initiating participant monthly ADV in auction transactions	Per contract fee (all account types)
100,001 contracts and greater	$0.03
40,001 contracts to 100,000 contracts	0.07
20,001 contracts to 40,000 contracts	0.12
10,001 contracts to 20,000 contracts	0.20
1 contract to 10,000 contracts	0.25

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] An Initiating Participant is a BOX Options Participant (an Order Flow Provider or Market Maker) that executes agency orders by designating Customer Orders for price improvement and submission to the PIP or COPIP.

[6] A Primary Improvement Order is a matching contra order submitted to the PIP or COPIP on the opposite side of the agency order.

[7] If there is only one competing order the Initiating Participant's allocation priority is raised to fifty percent (50%).

Finally, the Exchange proposes to introduce a tiered per contract rebate in Section I.D., the (''BOX Volume Rebate'' or ''BVR''), for all PIP Orders and COPIP Orders [8] of 250 contracts and under. Each Participant's monthly ADV will be based on PIP and COPIP quantity submitted, including those in Jumbo SPY Options, and will be calculated at the end of each month.[9] All PIP and COPIP executions by the Participant for the month will be awarded the same per contract rebate according to the Participant's monthly ADV in PIP and COPIP transactions submitted to the Exchange.

The new per contract rebate for Participants in PIP and COPIP Transactions set forth in Section I.D. of the BOX Fee Schedule will be as follows:

Monthly ADV in PIP and COPIP transactions	Per contract rebate (all account types)	
	PIP	COPIP
100,001 contracts and greater	($0.17)	($0.08)
40,001 contracts to 100,000 contracts	(0.14)	(0.06)
20,001 contracts to 40,000 contracts	(0.07)	(0.04)
1 contract to 20,000 contracts	(0.00)	(0.00)

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that establishing a flat $0.30 fee for all Market Maker Improvement Orders in the PIP or COPIP as well as Market Maker responses in the Solicitation or Facilitation auction mechanisms is reasonable, equitable and not unfairly discriminatory. While the proposal will potentially raise the Market Maker fee for auction responses, this will result in most Market Makers being assessed a lower fee than what they are currently assessed under the Section I.B tiered fee schedule. Further, the proposed fee is designed to be comparable to the fees that would be charged at competing venues.[11] Finally, the Exchange believes that charging Market Makers a flat fee for Improvement Orders in the PIP or COPIP and responses in the Solicitation or Facilitation auction mechanism is not unfairly discriminatory. Today Market Makers are assessed a fee based on their trading volume; under the proposal the fee will apply to all Market Makers equally.

The Exchange believes it is equitable and not unfairly discriminatory that Market Makers are charged lower fees in Improvement Orders in the PIP or COPIP and Solicitation or Facilitation responses than Professionals and Broker-Dealers. Generally, Market Makers have obligations on BOX that other Participants do not. They must maintain active two-sided markets in the classes in which they are appointed, and must meet certain minimum quoting requirements. Market Makers also provide significant contributions to overall market quality. Specifically, Market Makers can provide high volumes of liquidity and lowering their transaction fees will help attract a higher level of Market Maker order flow and create liquidity, which the Exchange believes will ultimately benefit all Participants trading on BOX. The Exchange also believes it is equitable and not unfairly discriminatory for Market Makers to be charged a higher fee than Public Customers. The securities markets generally, and BOX in particular, have historically aimed to improve markets for investors and develop various features within the market structure for customer benefit.

Secondly, the Exchange believes its proposed amendments to the tiered fee structure for Initiating Participants in auction transactions are reasonable, equitable and not unfairly discriminatory. The reduced fees related to trading activity in BOX Auction Transactions are available to all BOX Options Participants that initiate Auction Transactions, and they may choose whether or not to trade on BOX to take advantage of the discounted fees for doing so. The Exchange believes it is fair and reasonable to base these volume tiers on the quantity of auction transactions submitted to the Exchange rather than the quantity traded, as Initiating Participants do not control whether an order they submit is executed or not. This proposal will allow Initiating Participants to fully control the volume tier for which they qualify. With this change, the Exchange also believes adjusting the volume tiers and contract fees associated with each tier is reasonable as Participants benefit from the opportunity to more easily attain a discounted fee tier.

The Exchange believes it is appropriate to provide an incentive to BOX Participants to submit their customer orders to BOX, particularly into the PIP for potential price improvement. Such a discount will limit the exposure Initiating Participants have to Section II fees, where they are charged a fee for adding liquidity should their principal order execute against the customer order in any BOX Auction Transaction. The Exchange believes that making these changes to the tiered fee structure will attract more order flow to BOX, providing greater potential liquidity within the overall BOX market and its auction mechanisms, to the benefit of all BOX market participants.

[8] PIP Orders and COPIP Orders are defined as Customer Orders designated to the PIP or COPIP. As such only Customer Orders will be eligible for the rebate.

[9] For purposes of calculating monthly ADV, BOX will count as a half day any day that the market closes early for a holiday observance.

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *See* Section IV of the Phlx Pricing Schedule entitled ''PIXL Pricing''. Phlx assess all auction Responders $0.30 per contract in Penny Pilot Options and $0.38 per contract in non-Penny Pilot Options, unless the Responder is a Customer, in which case the fee is $0.00 per contract.

Finally, the Exchange believes the adoption of a tiered per contract auction transaction rebate in Section I.D. for all PIP Orders and COPIP Orders of 250 contracts and under is reasonable, equitable and non-discriminatory. In particular, the proposed BVR will allow the Exchange to be competitive with other exchanges and to apply fees and credits in a manner that is equitable among all BOX Participants.[12] The Exchange operates within a highly competitive market in which market participants can readily direct order flow to any other competing exchange if they determine fees at a particular exchange to be excessive. The proposed BVR is intended to attract Public Customer order flow to the Exchange by offering these Participants incentives to submit their PIP and COPIP Orders to the Exchange. The Exchange believes it is appropriate to provide incentives for Public Customers, which will result in greater liquidity and ultimately benefit all Participants trading on the Exchange. The Exchange believes providing a rebate to Participants that reach a certain volume threshold is equitable and non-discriminatory as the rebate will apply to all Participants uniformly.

Additionally, the Exchange believes that the proposed volume thresholds are reasonable because they incentivize Participants to direct order flow to the Exchange to obtain the benefit of the rebate, which will in turn benefit all market participants by increasing liquidity on the Exchange. Further, other exchanges employ incentive programs.[13] The Exchange believes that its proposed volume threshold and rebate is competitive when compared to rebate structures at other exchanges.

The Exchange also believes it is reasonable, equitable and non-discriminatory to restrict the BVR to PIP and COPIP Orders of 250 contracts and under. The rebate is intended to incentivize Participants to direct Customer order flow to the Exchange, which is typically comprised of small order sizes. Large institutional orders of more than 250 contracts are encouraged to use the Facilitation and Solicitation Auction mechanisms.[14] The Exchange believes restricting the BVR to PIP and COPIP Orders of 250 contracts and under is equitable and non-discriminatory as this will apply to all Participants uniformly.

The Exchange believes that the proposed rebates are reasonable. Once the volume threshold is met, the Exchange will pay the rebates on applicable PIP and COPIP Orders. The Exchange also believes the proposed BVR is equitable and not unfairly discriminatory because Participants are eligible to receive a rebate provided they meet both the volume and order type requirements. The Exchange believes that applying the rebate to PIP and COPIP Orders provides these Participants with an added incentive to transact a greater number of Public Customer Orders on the Exchange to the benefit of all market participants.

The Exchange believes that incentivizing Participants to submit PIP and COPIP Orders to the Exchange will provide all market participants an opportunity to interact with that order flow. The Exchange believes that it is reasonable to only apply the rebate to certain order types because the Exchange is not seeking to incentivize Participants to transact in order types other than PIP and COPIP Orders at this time. Further, PIP and COPIP Orders bring unique benefits to the marketplace in terms of liquidity and order interaction. It is an important Exchange function to provide an opportunity to all market participants to trade against these PIP and COPIP Orders.

Finally, the Exchange believes that it is equitable and not unfairly discriminatory to provide a higher rebate for PIP Orders than COPIP Orders. The rebate is intended to incentivize Participants to submit PIP and COPIP Orders to the Exchange and the Exchange believes that COPIP Orders do not need the same level of incentivization since the COPIP is a new offering on the Exchange. The Exchange believes the lower COPIP rebate will still provide greater liquidity and trading opportunities for all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed fee changes are reasonably designed to enhance competition in BOX transactions, particularly auction transactions.

The proposed rule change establishes a flat fee for Market Maker responses to orders in the PIP and COPIP, which the Exchange believes does not impose a burden on competition because all Market Makers will be affected to the same extent.

The proposed rule change also modifies the tiered fees charged to Initiating Participants based on their monthly ADV in Auction Transactions. BOX notes that its market model and fees are generally intended to benefit retail customers by providing incentives for Participants to submit their customer order flow to BOX, and to the PIP in particular. The Exchange does not believe that the proposed fee changes burden competition by creating such a disparity between the fees an Initiating Participant pays and the fees a competitive responder pays that would result in certain participants being unable to compete with initiators in the PIP and COPIP The Exchange does not believe competitive responders in the PIP and COPIP will be burdened from competing in these auctions. In fact, the Exchange believes that these changes will not impair these Participants from adding liquidity and competing in Auction Transactions and will help promote competition by providing incentives for market participants to submit customer order flow to BOX and thus, create a greater opportunity for retail customers to receive additional price improvement.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act [15] and Rule 19b–4(f)(2) thereunder,[16] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of

[12] *See* Section A of the Phlx Pricing Schedule entitled ''Customer Rebate Program'' and CBOE's Volume Incentive Program (VIP). CBOE's Volume Incentive Program (''VIP'') pays certain tiered rebates to Trading Permit Holders for electronically executed multiply-listed option orders which include AIM orders. Note that these exchanges base these rebate programs on the percentage of total national Public Customer volume traded on their respective exchanges, which the Exchange is not proposing to do.

[13] *Id.*

[14] The Facilitation Auction and Solicitation Auction were designed to give market participants mechanisms for large block orders. *See* Securities Exchange Act Release No. 65387 (September 23, 2011), 76 FR 60569 (September 29, 2011) (Order Approving Proposed Rule Change of SR–BX–2011–034).

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2014–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2014–11. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2014–11 and should be submitted on or before April 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05860 Filed 3–17–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71704; File No. SR–MIAX–2014–11]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Fee Schedule

March 12, 2014.

Pursuant to the provisions of 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 28, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing a proposal to adopt a MIAX Market Maker sliding scale for transaction fees.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX'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, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to adopt (i) a MIAX Market Maker[3] sliding scale for transaction fees; and (ii) a $0.02 fee for Mini Option transactions by a MIAX Market Maker. Consistent with this change, the Exchange will delete the existing transaction fees that apply to MIAX Market Markers.

The new sliding scale for MIAX Market Maker transaction fees is based on the substantially similar fees of the Chicago Board Options Exchange, Incorporated (''CBOE'').[4] Specifically, the Exchange proposes to adopt a program to reduce a MIAX Market Maker's per contract transaction fee based on the number of contracts the MIAX Market Maker trades in a month, based on the following scale:

Tier	Contracts per month	Transaction fee per contract
1 ...	1–750,000	$0.15
2 ...	750,001–1,500,000 ...	$0.10
3 ...	1,500,001–3,000,000	$0.05
4 ...	3,000,001+	$0.03

The sliding scale would apply to all MIAX Market Makers for transactions in all products except Mini Options. A MIAX Market Maker's initial $0.15 per contract rate will be reduced if the MIAX Market Maker reaches the volume thresholds set forth in the sliding scale in a month. As a MIAX Market Maker's monthly volume increases, its per contract transaction fee would decrease. Under the sliding scale, the first 750,000 contracts traded in a month would be assessed at $0.15 per contract. The next 750,000 contracts traded (up to 1,500,000 total contracts traded) would be assessed at $0.10 per contract. The next 1,500,000 contracts traded (up to 3,000,000 total contracts traded) would be assessed at $0.05 per contract. All contracts above 3,000,000 contracts traded in a month would be assessed at $0.03 per contract. The Exchange will

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''MIAX Market Maker'' for purposes of the proposed sliding scale means any MIAX Market Maker including RMM, LMM, PLMM, DLMM, and DPLMM.

[4] *See* Securities Exchange Act Release Nos. 55193 (January 30, 2007), 72 FR 5476 (February 6, 2007) (SR–CBOE–2006–111); 57191 (January 24, 2008), 73 FR 5611 (January 30, 2008); 58321 (August 6, 2008), 73 FR 46955 (SR–CBOE–2008–78). *See also* CBOE Fees Schedule, p. 3.

aggregate the trading activity of separate MIAX Market Maker firms for the purposes of the sliding scale if there is at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A.[5]

The Exchange believes the proposed sliding scale is objective in that the fee reductions are based solely on reaching stated volume thresholds. The Exchange believes that the implementation of a tiered fee schedule may incent firms to display their orders on the Exchange and increase the volume of contracts traded here.

As mentioned above, the Exchange notes that the proposed sliding fee scale for MIAX Market Makers structured on contract volume thresholds is based on the substantially similar fees of the CBOE.[6] The Exchange also notes that a number of other exchanges have tiered fee schedules which offer different transaction fee rates depending on the monthly ADV of liquidity providing executions on their facilities.[7]

In addition, the Exchange proposes to assess MIAX Market Makers a $0.02 fee for Mini Option transactions. The new transaction fee for Mini Options is identical to that charged by CBOE.[8] The Exchange notes that it is difficult to compare the proposed $0.02 amount to the amount assessed to MIAX Market Makers for standard options transactions, as that amount can differ depending on which tier each MIAX Market-Maker reaches in the MIAX Market Maker sliding scale (though it is less than 1/10th [sic] the fee assessed at the first tier of the MIAX Market Maker sliding scale for standard options transactions). The Exchange wishes to assess a $0.02 fee to MIAX Market Makers in order to encourage them to quote often and aggressively in Mini Options.

The Exchange notes that Mini Options have a smaller exercise and assignment value due to the reduced number of shares they deliver as compared to standard option contracts. Despite the smaller exercise and assignment value of a Mini Option, the cost to the Exchange to process quotes and orders in Mini Options, perform regulatory surveillance and retain quotes and orders for archival purposes is the same as for a standard contract. This leaves the Exchange in a position of trying to strike the right balance of fees applicable to Mini Options—too low and the costs of processing Mini Option quotes and orders will necessarily cause the Exchange to either raise fees for everyone or only for participants trading Mini Options; too high and participants may be deterred from trading Mini Options, leaving the Exchange less able to recoup costs associated with development of the product, which is designed to offer investors a way to take less risk in high-dollar securities. The Exchange, therefore, believes that adopting fees for Mini Options that are in some cases lower than fees for standard contracts, is appropriate, not unreasonable, not unfairly discriminatory and not burdensome on competition between participants, or between the Exchange and other exchanges in the listed options marketplace.

Consistent with the adoption of the new sliding fee scale and the $0.02 fee for transactions in Mini Options for MIAX Market Makers, the Exchange proposes to delete the existing transaction fees that currently apply to MIAX Market Markers. Specifically, the Exchange will no longer charge: (i) RMMs $0.08 per contract for standard options or $.008 for Mini Options; (ii) LMMs $0.08 per contract for standard options or $0.008 for Mini Options; (iii) DLMMs and PLMMs $0.08 per contract for standard options or $0.008 for Mini Options; and (iv) DPLMMs $0.08 per contract for standard options or $0.008 for Mini Options. The Exchange notes that the new sliding scale for MIAX Market Makers will increase transaction fees for all Market Markers for the first 1,500,000 contracts traded per month in standard option contracts. The Exchange also notes that the new Mini Option fee for MIAX Market Makers will increase transaction fees for all Market Makers in Mini Options.

The proposed changes will become operative on March 1, 2014.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act[9] in general, and furthers the objectives of Section 6(b)(4) of the Act[10] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The proposed volume based discount fee structure is not discriminatory in that all MIAX Market Makers are eligible to submit (or not submit) liquidity, and may do so at their discretion in the daily volumes they choose during the course of the billing period. All similarly situated MIAX Market Makers are subject to the same fee structure, and access to the Exchange is offered on terms that are not unfairly discriminatory. Volume based discounts have been widely adopted by options and equities markets, and are equitable because they are open to all MIAX Market Makers on an equal basis and provide discounts that are reasonably related to the value of an exchange's market quality associated with higher volumes. The proposed fee levels and volume thresholds are reasonably designed to be comparable to those of other options exchanges and to attract additional liquidity and order flow to the Exchange.

The Exchange believes that the proposal to assess MIAX Market Makers a $0.02 fee for Mini Option transactions is reasonable. It is difficult to compare the proposed $0.02 amount to the amount assessed to MIAX Market Makers for standard options transactions, as that amount can differ depending on which tier each MIAX Market Maker reaches in the MIAX Market Maker sliding scale. However, $0.02 is less than 1/10th [sic] the fee assessed at the first tier of the MIAX Market Maker sliding scale for standard options transactions. The Exchange believes that these MIAX Market Maker Mini Option fees are equitable and not unfairly discriminatory for a number of reasons. First, they will apply equally to all MIAX Market Makers. Second, the Exchange believes that it is equitable and not unfairly discriminatory to assess lower fee amounts to MIAX Market Makers than to some other market participants because MIAX Market Makers have obligations, such as quoting obligations, that other market participants do not possess. Further, these lower fees are intended to encourage Market Makers to quote

[5] A MIAX Market Maker's monthly contract volume would be determined at the firm affiliated level. *E.g.,* if five MIAX Market Maker individuals are affiliated with member firm ABC as reflected by Exchange records for the entire month, all the volume from those five individual MIAX Market Makers will count towards firm ABC's sliding scale transaction fees for that month. CBOE also aggregates volume of market maker firms with at least 75% common ownership between the firms. *See* Securities Exchange Act Release No. 55193 (January 30, 2007), 72 FR 5476 (February 6, 2007) (SR–CBOE–2006–111). *See also* CBOE Fees Schedule, p. 3.

[6] *See* Securities Exchange Act Release Nos. 55193 (January 30, 2007), 72 FR 5476 (February 6, 2007) (SR–CBOE–2006–111); 58321 (August 6, 2008), 73 FR 46955 (SR–CBOE–2008–78); 71295 (January 14, 2014), 79 FR 3443 (January 21, 2014) (SR–CBOE–2013–129).

[7] *See, e.g.,* International Securities Exchange, LLC, Schedule of Fees, Section VI, C; NASDAQ Options Market, Chapter XV, Section 2.

[8] *See* Securities Exchange Act Release No. 69258 (March 29, 2013), 78 FR 69258 (April 4, 2013) (SR–CBOE–2013–038). *See also* CBOE Fees Schedule, p. 2.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

aggressively and more often, which provides more trading opportunities for all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner that encourages market participants to provide liquidity and to send order flow to the Exchange.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[11] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2014–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2014–11. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2014–11, and should be submitted on or before April 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05874 Filed 3–17–14; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71655; File No. SR–NYSEMKT–2014–17]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing of Proposed Rule Change Adopting Rule 971.1NY for an Electronic Price Improvement Auction for Single-Leg Orders

March 5, 2014.

Correction

In notice document 2014–05179, appearing on pages 13711–13726, in the issue of Tuesday, March 11, 2014, make the following correction:

On page 13711, in the second column, the document heading is corrected to read as set forth above.

[FR Doc. C1–2014–05179 Filed 3–17–14; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71623; File No. SR–FINRA–2013–050]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, Relating to Over-the-Counter Equity Trade Reporting and OATS Reporting

February 27, 2014.

Correction

In notice document 2014–04792, appearing on pages 12558–12562 in the issue of Wednesday, March 5, 2014, make the following correction:

On page 12562, in the third column, on the tenth and eleventh lines, the entry ''[insert date 21 days from publication in the **Federal Register**].'' is corrected to read ''March 26, 2014.''

[FR Doc. C1–2014–04792 Filed 3–17–14; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71698; File No. SR–MIAX–2014–12]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

March 12, 2014.

Pursuant to the provisions of 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 28, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend its Fee Schedule.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing*, at MIAX'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, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its current Priority Customer Rebate Program (the ''Program'') to modify the volume thresholds of tiers 3 and 4.[3] The Program is based on the substantially similar fees of another competing options exchange.[4] Under the Program, the Exchange shall credit each Member the per contract amount set forth in the table below resulting from each Priority Customer[5] order transmitted by that Member which is executed on the Exchange in all multiply-listed option classes (excluding mini-options and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Rule 1400), provided the Member meets certain volume thresholds in a month as described below. The volume thresholds are calculated based on the customer average daily volume over the course of the month. Volume will be recorded for and credits will be delivered to the Member Firm that submits the order to the Exchange.

Percentage thresholds of national customer volume in multiply-listed options classes listed on MIAX (monthly)	Per contract credit
0.00%–0.25%	$0.00
Above 0.25%–0.35%	0.10
Above 0.35%–1.00%	0.15
Above 1.00%–1.50%	0.17
Above 1.50%	0.18

The Exchange will aggregate the contracts resulting from Priority Customer orders transmitted and executed electronically on the Exchange from affiliated Members for purposes of the thresholds above, provided there is at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A. In the event of a MIAX System outage or other interruption of electronic trading on MIAX, the Exchange will adjust the national customer volume in multiply-listed options for the duration of the outage. A Member may request to receive its credit under the Priority Customer Rebate Program as a separate direct payment.

In addition, the rebate payments will be calculated from the first executed contract at the applicable threshold per contract credit with the rebate payments made at the highest achieved volume tier for each contract traded in that month. For example, if Member Firm XYZ, Inc. (''XYZ'') has enough Priority Customer contracts to achieve 2.5% of the national customer volume in multiply-listed option contracts during the month of October, XYZ will receive a credit of $0.18 for each Priority Customer contract executed in the month of October.

The purpose of the Program is to encourage Members to direct greater Priority Customer trade volume to the Exchange. Increased Priority Customer volume will provide for greater liquidity, which benefits all market participants. The practice of incentivizing increased retail customer order flow in order to attract professional liquidity providers (Market-Makers) is, and has been, commonly practiced in the options markets. As such, marketing fee programs,[6] and customer posting incentive programs,[7] are based on attracting public customer order flow. The Program similarly intends to attract Priority Customer order flow, which will increase liquidity, thereby providing greater trading opportunities and tighter spreads for other market participants and causing a corresponding increase in order flow from such other market participants.

The specific volume thresholds of the Program's tiers were set based upon business determinations and an analysis of current volume levels. The volume thresholds are intended to incentivize firms that route some Priority Customer orders to the Exchange to increase the number of orders that are sent to the Exchange to achieve the next threshold and to incent new participants to send Priority Customer orders as well. Increasing the number of orders sent to the Exchange will in turn provide tighter and more liquid markets, and therefore attract more business overall. Similarly, the different credit rates at the different tier levels were based on an analysis of revenue and volume levels and are intended to provide increasing ''rewards'' for increasing the volume of trades sent to the Exchange. The specific amounts of the tiers and rates were set in order to encourage suppliers of Priority Customer order flow to reach for higher tiers.

The Exchange limits the Program to multiply-listed options classes on MIAX because MIAX does not compete with other exchanges for order flow in the proprietary, singly-listed products.[8] In addition, the Exchange does not trade any singly-listed products at this time, but may develop such products in the future. If at such time the Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 71283 (January 10, 2014), 79 FR 2914 (January 16, 2014) (SR–MIAX–2013–63); 71009 (December 6, 2013), 78 FR 75629 (December 12, 2013) (SR–MIAX–2013–56).

[4] *See* Chicago Board Options Exchange, Incorporated (''CBOE'') Fees Schedule, p. 4. *See also* Securities Exchange Act Release Nos. 66054 (December 23, 2011), 76 FR 82332 (December 30, 2011) (SR–CBOE–2011–120); 68887 (February 8, 2013), 78 FR 10647 (February 14, 2013) (SR–CBOE–2013–017).

[5] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). *See* MIAX Rule 100.

[6] *See* MIAX Fee Schedule, Section 1(b).

[7] *See* NYSE Arca, Inc. Fees Schedule, page 4 (section titled ''Customer Monthly Posting Credit Tiers and Qualifications for Executions in Penny Pilot Issues'').

[8] If a multiply-listed options class is not listed on MIAX, then the trading volume in that options class will be omitted from the calculation of national customer volume in multiply-listed options classes.

develops proprietary products, the Exchange anticipates having to devote a lot of resources to develop them, and therefore would need to retain funds collected in order to recoup those expenditures.

The Exchange excludes mini-options and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Exchange Rule 1400 from the Program. The Exchange notes these exclusions are nearly identical to the ones made by CBOE.[9] Mini-options contracts are excluded from the Program because the cost to the Exchange to process quotes, orders and trades in mini-options is the same as for standard options. This, coupled with the lower per-contract transaction fees charged to other market participants, makes it impractical to offer Members a credit for Priority Customer mini-option volume that they transact. Providing rebates to Priority Customer executions that occur on other trading venues would be inconsistent with the proposal. Therefore, routed away volume is excluded from the Program in order to promote the underlying goal of the proposal, which is to increase liquidity and execution volume on the Exchange.

The credits paid out as part of the program will be drawn from the general revenues of the Exchange.[10] The Exchange calculates volume thresholds on a monthly basis.

The proposed changes will become operative on March 1, 2014.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act [11] in general, and furthers the objectives of Section 6(b)(4) of the Act [12] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The Exchange believes that the proposed Priority Customer Rebate Program is fair, equitable and not unreasonably discriminatory. The Program is reasonably designed because it will incent providers of Priority Customer order flow to send that Priority Customer order flow to the Exchange in order to receive a credit in a manner that enables the Exchange to improve its overall competitiveness and strengthen its market quality for all market participants. The proposed rebate program is fair and equitable and not unreasonably discriminatory because it will apply equally to all Priority Customer orders. All similarly situated Priority Customer orders are subject to the same rebate schedule, and access to the Exchange is offered on terms that are not unfairly discriminatory. In addition, the Program is equitable and not unfairly discriminatory because, while only Priority Customer order flow qualifies for the Program, an increase in Priority Customer order flow will bring greater volume and liquidity, which benefit all market participants by providing more trading opportunities and tighter spreads. Similarly, offering increasing credits for executing higher percentages of total national customer volume (increased credit rates at increased volume tiers) is equitable and not unfairly discriminatory because such increased rates and tiers encourage Members to direct increased amounts of Priority Customer contracts to the Exchange. The resulting increased volume and liquidity will benefit those Members who receive the lower tier levels, or do not qualify for the Program at all, by providing more trading opportunities and tighter spreads.

Limiting the Program to multiply-listed options classes listed on MIAX is reasonable because those parties trading heavily in multiply-listed classes will now begin to receive a credit for such trading, and is equitable and not unfairly discriminatory because the Exchange does not trade any singly-listed products at this time. If at such time the Exchange develops proprietary products, the Exchange anticipates having to devote a lot of resources to develop them, and therefore would need to retain funds collected in order to recoup those expenditures.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed change would increase both intermarket and intramarket competition by incenting Members to direct their Priority Customer orders to the Exchange, which will enhance the quality of quoting and increase the volume of contracts traded here. To the extent that there is additional competitive burden on non-Priority Customers, the Exchange believes that this is appropriate because the rebate program should incent Members to direct additional order flow to the Exchange and thus provide additional liquidity that enhances the quality of its markets and increases the volume of contracts traded here. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. The Exchange believes that the proposed rule change reflects this competitive environment because it reduces the Exchange's fees in a manner that encourages market participants to direct their customer order flow, to provide liquidity, and to attract additional transaction volume to the Exchange. Given the robust competition for volume among options markets, many of which offer the same products, implementing a volume based customer rebate program to attract order flow like the one being proposed in this filing is consistent with the above-mentioned goals of the Act. This is especially true for the smaller options markets, such as MIAX, which is competing for volume with much larger exchanges that dominate the options trading industry. As a new exchange, MIAX has a nominal percentage of the average daily trading volume in options, so it is unlikely that the customer rebate program could cause any competitive harm to the options market or to market participants. Rather, the customer rebate program is a modest attempt by a small options market to attract order volume away from larger competitors by adopting an innovative pricing strategy. The Exchange notes that if the rebate program resulted in a modest percentage increase in the average daily trading volume in options executing on MIAX, while such percentage would represent a large volume increase for MIAX, it would represent a minimal reduction in volume of its larger competitors in the industry. The Exchange believes that the

[9] *See* CBOE Fee Schedule, page 4. CBOE also excludes QCC trades from their rebate program. CBOE excluded QCC trades because a bulk of those trades on CBOE are facilitation orders which are charged at the $0.00 fee rate on their exchange.

[10] Despite providing credits under the Program, the Exchange represents that it will continue to have adequate resources to fund its regulatory program and fulfill its responsibilities as a self-regulatory organization while the Program will be in effect.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4).

proposal will help further competition, because market participants will have yet another additional option in determining where to execute orders and post liquidity if they factor the benefits of a customer rebate program into the determination.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[13] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email *to rule-comments@sec.gov.* Please include File Number SR–MIAX–2014–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2014–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2014–12 and should be submitted on or before April 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05858 Filed 3–17–14; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71700; File No. SR–MIAX–2014–13]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

March 12, 2014.

Pursuant to the provisions of 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 28, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing*, at MIAX'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, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Priority Customer Rebate Program (the ''Program'')[3] to provide for a $0.20 per contract credit for transactions in MIAX Select Symbols.[4]

The Program is based on the substantially similar fees of another competing options exchange.[5] Under the Program, the Exchange credits each Member the per contract amount set forth in the table below resulting from each Priority Customer[6] order transmitted by that Member which is executed on the Exchange in all

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 71283 (January 10, 2014), 79 FR 2914 (January 16, 2014) (SR–MIAX–2013–63); 71009 (December 6, 2013), 78 FR 75629 (December 12, 2013) (SR–MIAX–2013–56).

[4] The term ''MIAX Select Symbols'' means options overlying AAPL, FB, EEM, QQQ, and IWM.

[5] *See* Chicago Board Options Exchange, Incorporated (''CBOE'') Fees Schedule, p. 4. *See also* Securities Exchange Act Release Nos. 66054 (December 23, 2011), 76 FR 82332 (December 30, 2011) (SR–CBOE–2011–120); 68887 (February 8, 2013), 78 FR 10647 (February 14, 2013) (SR–CBOE–2013–017).

[6] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). *See* MIAX Rule 100.

multiply-listed option classes (excluding mini-options and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Rule 1400), provided the Member meets certain volume thresholds in a month. The volume thresholds are calculated based on the customer average daily volume over the course of the month. Volume is recorded for and credits are delivered to the Member Firm that submits the order to the Exchange. The Exchange aggregates the contracts resulting from Priority Customer orders transmitted and executed electronically on the Exchange from affiliated Members for purposes of the thresholds above, provided there is at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A. In the event of a MIAX System outage or other interruption of electronic trading on MIAX, the Exchange adjusts the national customer volume in multiply-listed options for the duration of the outage. A Member may request to receive its credit under the Program as a separate direct payment.

The Exchange proposes modifying the Program to provide for a $0.20 per contract credit for transactions in MIAX Select Symbols. MIAX Select Symbols will initially include options overlying AAPL, FB, EEM, QQQ, and IWM. Thus, the Exchange will credit each Member $0.20 per contract resulting from each Priority Customer order transmitted by that Member executed on Exchange in AAPL, FB, EEM, QQQ, and IWM. The $0.20 per contract credit would be in lieu of the applicable credit that would otherwise apply to the transaction based on the volume thresholds. The Exchange notes that all the other aspects of the Program would continue to apply to the credits (*e.g.,* the aggregation of volume of affiliates, exclusion of contracts that are routed to away exchanges, exclusion of mini-options . . . etc.).[7]

For example, if Member Firm ABC, Inc. (''ABC'') has enough Priority Customer contracts to achieve 0.3% of the national customer volume in multiply-listed option contracts during the month of October, ABC will receive a credit of $0.10 for each Priority Customer contract executed in the month of October. However, any qualifying Priority Customer transactions during such month that occurred in AAPL, FB, EEM, QQQ, and IWM would be credited at the $0.20 per contact rate versus the standard credit of $0.10. Similarly, if Member Firm XYZ, Inc. (''XYZ'') has enough Priority Customer contracts to achieve 2.5% of the national customer volume in multiply-listed option contracts during the month of October, XYZ will receive a credit of $0.18 for each Priority Customer contract executed in the month of October. However, any qualifying Priority Customer transactions during such month that occurred in AAPL, FB, EEM, QQQ, and IWM would be credited at the $0.20 per contact rate versus the standard credit of $0.18.

The purpose of the amendment to the Program is to further encourage Members to direct greater Priority Customer trade volume to the Exchange in these high volume symbols. Increased Priority Customer volume will provide for greater liquidity, which benefits all market participants on the Exchange. The practice of incentivizing increased retail customer order flow in order to attract professional liquidity providers (Market-Makers) is, and has been, commonly practiced in the options markets. As such, marketing fee programs,[8] and customer posting incentive programs,[9] are based on attracting public customer order flow. The practice of providing additional incentives to increase order flow in high volume symbols is, and has been, commonly practiced in the options markets.[10] The Program similarly intends to attract Priority Customer order flow, which will increase liquidity, thereby providing greater trading opportunities and tighter spreads for other market participants and causing a corresponding increase in order flow from such other market participants in these select symbols. Increasing the number of orders sent to the Exchange will in turn provide tighter and more liquid markets, and therefore attract more business overall.

The credits paid out as part of the program will be drawn from the general revenues of the Exchange.[11] The Exchange calculates volume thresholds on a monthly basis.

The Exchange proposes to implement the new transaction fees beginning March 1, 2014.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act[12] in general, and furthers the objectives of Section 6(b)(4) of the Act[13] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The Exchange believes that the proposed Priority Customer Rebate Program is fair, equitable and not unreasonably discriminatory. The Program is reasonably designed because it will incent providers of Priority Customer order flow to send that Priority Customer order flow to the Exchange in order to receive a credit in a manner that enables the Exchange to improve its overall competitiveness and strengthen its market quality for all market participants. The proposal to increase the incentives in the high volume select symbols is also reasonably designed to increase the competitiveness of the Exchange with other options exchanges that also offer increased incentives to higher volume symbols. The proposed rebate program is fair and equitable and not unreasonably discriminatory because it will apply equally to all Priority Customer orders in the select symbols. All similarly situated Priority Customer orders in the select symbols are subject to the same rebate schedule, and access to the Exchange is offered on terms that are not unfairly discriminatory. In addition, the Program is equitable and not unfairly discriminatory because, while only Priority Customer order flow qualifies for the Program, an increase in Priority Customer order flow will bring greater volume and liquidity, which benefit all market participants by providing more trading opportunities and tighter spreads.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance

[7] *See* MIAX Fee Schedule, Section 1 (a) iii. *See also* Securities Exchange Act Release Nos. 71283 (January 10, 2014), 79 FR 2914 (January 16, 2014) (SR–MIAX–2013–63); 71009 (December 6, 2013), 78 FR 75629 (December 12, 2013) (SR–MIAX–2013–56).

[8] *See* MIAX Fee Schedule, Section 1(b).

[9] *See* NYSE Arca, Inc. Fees Schedule, page 4 (section titled ''Customer Monthly Posting Credit Tiers and Qualifications for Executions in Penny Pilot Issues'').

[10] *See* International Securities Exchange, LLC, Schedule of Fees, p. 6 (providing reduced fee rates for order flow in Select Symbols); NASDAQ OMX PHLX, Pricing Schedule, Section I (providing a rebate for adding liquidity in SPY); NYSE Arca, Inc. Fees Schedule, page 4 (section titled ''Customer Monthly Posting Credit Tiers and Qualifications for Executions in Penny Pilot Issues'').

[11] Despite providing credits under the Program, the Exchange represents that it will continue to have adequate resources to fund its regulatory program and fulfill its responsibilities as a self-regulatory organization while the Program will be in effect.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4).

of the purposes of the Act. The Exchange believes that the proposed change would increase both intermarket and intramarket competition by incenting Members to direct their Priority Customer orders in the select symbols to the Exchange, which will enhance the quality of quoting and increase the volume of contracts traded here in those symbols. To the extent that there is additional competitive burden on non-Priority Customers or trading in non-select symbols, the Exchange believes that this is appropriate because the proposed changes to the rebate program should incent Members to direct additional order flow to the Exchange and thus provide additional liquidity that enhances the quality of its markets and increases the volume of contracts traded here in those symbols. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity in such select symbols. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange in such select symbols. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. The Exchange believes that the proposed rule change reflects this competitive environment because it reduces the Exchange's fees in a manner that encourages market participants to direct their customer order flow, to provide liquidity, and to attract additional transaction volume to the Exchange. Given the robust competition for volume among options markets, many of which offer the same products, implementing a volume based customer rebate program to attract order flow like the one being proposed in this filing is consistent with the above-mentioned goals of the Act. This is especially true for the smaller options markets, such as MIAX, which is competing for volume with much larger exchanges that dominate the options trading industry. As a new exchange, MIAX has a nominal percentage of the average daily trading volume in options, so it is unlikely that the customer rebate program could cause any competitive harm to the options market or to market participants. Rather, the customer rebate program is a modest attempt by a small options market to attract order volume away from larger competitors by adopting an innovative pricing strategy. The Exchange notes that if the rebate program resulted in a modest percentage increase in the average daily trading volume in options executing on MIAX, while such percentage would represent a large volume increase for MIAX, it would represent a minimal reduction in volume of its larger competitors in the industry. The Exchange believes that the proposal will help further competition, because market participants will have yet another additional option in determining where to execute orders and post liquidity if they factor the benefits of a customer rebate program into the determination.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[14] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2014–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2014–13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2014–13 and should be submitted on or before April 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05859 Filed 3–17–14; 8:45 am]

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[14] 15 U.S.C. 78s(b)(3)(A)(ii).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71702; File No. SR–NYSEArca–2014–19]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 2, To List and Trade Shares of the iShares Core Allocation Conservative ETF, iShares Core Allocation Moderate ETF, iShares Core Allocation Moderate Growth ETF, and iShares Core Allocation Growth ETF Under NYSE Arca Equities Rule 8.600

March 12, 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 25, 2014, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') 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 the self-regulatory organization. On March 10, 2014, the Exchange filed Amendment No. 2 to the proposed rule change, which amended and replaced the proposed rule change in its entirety.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade the following under NYSE Arca Equities Rule 8.600 (''Managed Fund Shares''): iShares Core Allocation Conservative ETF; iShares Core Allocation Moderate ETF; iShares Core Allocation Moderate Growth ETF; and iShares Core Allocation Growth ETF. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the following under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares: [4] iShares Core Allocation Conservative ETF; iShares Core Allocation Moderate ETF; iShares Core Allocation Moderate Growth ETF; and iShares Core Allocation Growth ETF (each a ''Fund'' and collectively the ''Funds''). The Shares of the Funds will be offered by iShares U.S. ETF Trust (the ''Trust'') [5] The Trust is registered with the Commission as an open-end management investment company.[6] BlackRock Fund Advisors (''BFA'') will serve as the investment adviser to the Funds (the ''Adviser''). BFA is an indirect wholly-owned subsidiary of BlackRock, Inc. BlackRock Investments, LLC (the ''Distributor'') will be the principal underwriter and distributor of the Funds' Shares. State Street Bank and Trust Company (the ''Administrator'', ''Custodian'' or ''Transfer Agent'') will serve as administrator, custodian and transfer agent for the Funds.[7]

Commentary .06 to Rule 8.600 provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio. Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio.[8] Commentary .06 to Rule 8.600 is similar to Commentary .03(a)(i) and (iii) to NYSE Arca Equities Rule 5.2(j)(3); however, Commentary .06 in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not registered as a broker-dealer but is affiliated with multiple broker-dealers and has implemented a ''fire wall'' with

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* note 7 *infra.* The Exchange filed Amendment No. 1 on March 7, 2014 and withdrew it on March 11, 2014.

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Commission has previously approved listing and trading on the Exchange of a number of actively managed funds under Rule 8.600. *See, e.g.,* Securities Exchange Act Release Nos. 57801 (May 8, 2008), 73 FR 27878 (May 14, 2008) (SR–NYSEArca–2008–31) (order approving Exchange listing and trading of twelve actively-managed funds of the WisdomTree Trust); 60460 (August 7, 2009), 74 FR 41468 (August 17, 2009) (SR–NYSEArca–2009–55) (order approving listing and trading of Dent Tactical ETF); 71540 (February 12, 2014), 79 FR 9515 (February 19, 2014) (SR–NYSEArca–2013–138) (order approving listing and trading of shares of the iShares Enhanced International Large-Cap ETF and iShares Enhanced International Small-Cap ETF).

[6] The Trust is registered under the 1940 Act. On September 6, 2013, the Trust filed with the Commission Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) and under the 1940 Act relating to the Funds (File Nos. 333–179904 and 811–22649) (''Registration Statement''). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 29571 (File No. 812–13601) (''Exemptive Order'').

[7] This Amendment No. 2 to SR–NYSEArca–2014–19 replaces SR–NYSEArca–2014–19 as originally filed and supersedes such filing in its entirety. The Exchange has withdrawn amendment No. 1 to SR–NYSEArca–2014–19.

[8] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)-7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

respect to such broker-dealers regarding access to information concerning the composition and/or changes to a Fund's portfolio. In the event (a) the Adviser or any sub-adviser registers as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer, or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or changes to a portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

iShares Core Allocation Conservative ETF

The iShares Core Allocation Conservative ETF seeks to create a portfolio with a conservative risk profile by allocating its assets among the iShares Core suite of equity and fixed income exchange-traded funds (''ETFs''), as described below.

The Fund will be a fund of funds and seeks to achieve its investment objective by investing, under normal circumstances,[9] generally at least 80% of its net assets in the securities of ''Underlying Funds'' that themselves seek investment results corresponding to their own underlying indexes.[10] The Underlying Funds will invest primarily in distinct asset classes, such as large-capitalization, mid-capitalization and small-capitalization U.S. equity, international developed market and emerging market equity, short-term U.S. government and corporate debt, long-term U.S. government and corporate debt, or the U.S. aggregate bond market; each such asset class has its own risk profile.[11]

The Fund will be an actively managed ETF that does not seek to replicate the performance of a specified index. BFA will select securities for the Fund using a proprietary, model-based investment process that seeks to maximize returns for the Fund's stated risk/return profile through investments in Underlying Funds.

The Fund intends to hold investments which in the aggregate have a conservative risk/return profile as determined by BFA. A ''conservative'' risk allocation typically emphasizes significant exposure to fixed income securities, while maintaining smaller exposure to equity securities, in an effort to preserve capital and reduce volatility of returns. As of June 30, 2013, BFA's model recommended an allocation of approximately 20% to Underlying Funds that invest primarily in equity securities and 80% to Underlying Funds that invest primarily in fixed income securities.

The Fund may lend securities representing up to one-third of the value of the Fund's total assets (including the value of the collateral received).

iShares Core Allocation Moderate ETF

The iShares Core Allocation Moderate ETF will seek to create a portfolio with a moderate risk profile by allocating its assets among the iShares Core suite of equity and fixed income ETFs, as described below.

The Fund will be a fund of funds and will seek to achieve its investment objective by investing, under normal circumstances, generally at least 80% of its net assets in the securities of Underlying Funds that themselves seek investment results corresponding to their own underlying indexes.[12] The Underlying Funds will invest primarily in distinct asset classes, such as large-capitalization, mid-capitalization and small-capitalization U.S. equity, international developed market and emerging market equity, short-term U.S. government and corporate debt, long-term U.S. government and corporate debt, or the U.S. aggregate bond market; each such asset class has its own risk profile.

The Fund will be an actively managed ETF that does not seek to replicate the performance of a specified index. BFA will select securities for the Fund using a proprietary, model-based investment process that seeks to maximize returns for the Fund's stated risk/return profile through investments in Underlying Funds.

The Fund intends to hold investments which in the aggregate have a moderate risk/return profile as determined by BFA. A ''moderate'' risk allocation typically emphasizes exposure to fixed income securities, while maintaining some exposure to equity securities, in an effort to provide an opportunity for some capital preservation and for low to moderate capital appreciation. As of June 30, 2013, BFA's model recommended an allocation of approximately 40% to Underlying Funds that invest primarily in equity securities and 60% to Underlying Funds that invest primarily in fixed income securities.

The Fund may lend securities representing up to one-third of the value of the Fund's total assets (including the value of the collateral received).

iShares Core Allocation Moderate Growth ETF

The iShares Core Allocation Moderate Growth ETF will seek to create a portfolio with a moderate growth risk profile by allocating its assets among the iShares Core suite of equity and fixed income ETFs, as described below.

The Fund will be a fund of funds and will seek to achieve its investment objective by investing, under normal circumstances, generally at least 80% of its net assets in the securities of Underlying Funds that themselves seek investment results corresponding to their own underlying indexes.[13] The

[9] The term ''under normal circumstances'' includes, but is not limited to, the absence of extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[10] As of June 30, 2013, the Underlying Funds included the following iShares Core funds: iShares Core Long-Term U.S. Bond ETF, iShares Core MSCI EAFE ETF, iShares Core MSCI Emerging Markets ETF, iShares Core MSCI Total International Stock ETF, iShares Core S&P 500 ETF, iShares Core S&P Mid-Cap ETF, iShares Core S&P Small-Cap ETF, iShares Core S&P Total U.S. Stock Market ETF, iShares Core Short-Term U.S. Bond ETF and iShares Core Total U.S. Bond Market ETF. BFA may add, eliminate or replace the Underlying Funds at any time without advance notice to investors. The Underlying Funds held by a Fund may change over time and may not include all of the Underlying Funds listed above. In addition, the relative proportions of the Underlying Funds held by a Fund may change over time. Top sectors of the iShares Core Allocation Conservative ETF primarily include agency securities, financial companies, industrials companies and treasury securities. The top sectors of the Fund, and the degree to which they represent certain industries, may change over time.

[11] For purposes of this proposed rule change, the term ''Underlying Fund'' includes Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Index-Linked Securities (as described in NYSE Arca Equities Rule 5.2(j)(6)); Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100); Trust Issued Receipts (as described in NYSE Arca Equities Rule 8.200); Commodity-Based Trust Shares (as described in NYSE Arca Equities Rule 8.201); Commodity Index Trust Shares (as described in NYSE Arca Equities Rule 8.203); Commodity Futures Trust Shares (as described in NYSE Arca Equities Rule 8.204); and Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600). All Underlying Funds will be listed and traded on a U.S. national securities exchange. While the Underlying Funds currently include only Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)), which are based on indexes, in the future, Underlying Funds may include other types of securities enumerated in this footnote.

[12] *See* note 11, *supra.* Top sectors of the iShares Core Allocation Moderate ETF primarily include agency securities, financial companies and treasury securities. The top sectors of the Fund, and the degree to which they represent certain industries, may change over time.

[13] *See* note 11, *supra.* Top sectors of the iShares Core Allocation Moderate Growth ETF primarily include consumer discretionary, financial

Underlying Funds will invest primarily in distinct asset classes, such as large-capitalization, mid-capitalization and small-capitalization U.S. equity, international developed market and emerging market equity, short-term U.S. government and corporate debt, long-term U.S. government and corporate debt, or the U.S. aggregate bond market; each such asset class has its own risk profile.

The Fund will be an actively managed ETF that will not seek to replicate the performance of a specified index. BFA will select securities for the Fund using a proprietary, model-based investment process that seeks to maximize returns for the Fund's stated risk/return profile through investments in Underlying Funds.

The Fund intends to hold investments which in the aggregate have a moderate growth risk/return profile as determined by BFA. A ''moderate growth'' risk allocation typically emphasizes exposure to equity securities, while maintaining some exposure to fixed income securities, in an effort to provide an opportunity for moderate capital appreciation and some capital preservation. As of June 30, 2013, BFA's model recommended an allocation of approximately 60% to Underlying Funds that invest primarily in equity securities and 40% to Underlying Funds that invest primarily in fixed income securities.

The Fund may lend securities representing up to one-third of the value of the Fund's total assets (including the value of the collateral received).

iShares Core Allocation Growth ETF

The iShares Core Allocation Growth ETF seeks to create a portfolio with a growth risk profile by allocating its assets among the iShares Core suite of equity and fixed income ETFs, as described below.

The Fund will be a fund of funds and will seek to achieve its investment objective by investing under normal circumstances generally at least 80% of its net assets in the securities of Underlying Funds that themselves seek investment results corresponding to their own underlying indexes.[14] The Underlying Funds will invest primarily in distinct asset classes, such as large-capitalization, mid-capitalization and small-capitalization U.S. equity, international developed market and emerging market equity, short-term U.S. government and corporate debt, long-term U.S. government and corporate debt, or the U.S. aggregate bond market; each such asset class has its own risk profile.

The Fund will be an actively managed ETF that will not seek to replicate the performance of a specified index. BFA will select securities for the Fund using a proprietary, model-based investment process that seeks to maximize returns for the Fund's stated risk/return profile through investments in Underlying Funds.

The Fund intends to hold investments which in the aggregate have a moderate growth risk/return profile as determined by BFA. A ''moderate growth'' risk allocation typically emphasizes exposure to equity securities, while maintaining some exposure to fixed income securities, in an effort to provide an opportunity for moderate capital appreciation and some capital preservation. As of June 30, 2013, BFA's model recommended an allocation of approximately 60% to Underlying Funds that invest primarily in equity securities and 40% to Underlying Funds that invest primarily in fixed income securities.

The Fund may lend securities representing up to one-third of the value of the Fund's total assets (including the value of the collateral received).

Other Investments

While each Fund, under normal circumstances, generally will invest at least 80% of its assets in Underlying Funds, as described above, each Fund may invest in other securities and financial instruments, as described below.

Each Fund may invest in other exchange-traded products (''ETPs'') in addition to the Underlying Funds described above.[15]

Each Fund may invest in short-term instruments on an ongoing basis to provide liquidity or for other reasons. Short-term instruments are generally short-term investments, including (i) shares of money market funds (including those advised by BFA or otherwise affiliated with BFA); (ii) obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities (including government-sponsored enterprises); (iii) negotiable certificates of deposit (''CDs''), bankers' acceptances, fixed-time deposits and other obligations of U.S. and non-U.S. banks (including non-U.S. branches) and similar institutions; (iv) commercial paper rated, at the date of purchase, ''Prime-1'' by Moody's® Investors Service, Inc., ''F–1'' by Fitch Inc., or ''A–1'' by Standard & Poor's® Financial Services LLC, or if unrated, of comparable quality as determined by BFA; (v) non-convertible corporate debt securities (*e.g.,* bonds and debentures) with remaining maturities at the date of purchase of not more than 397 days and that satisfy the rating requirements set forth in Rule 2a–7 under the 1940 Act; (vi) repurchase agreements; and (vii) short-term U.S. dollar-denominated obligations of non-U.S. banks (including U.S. branches) that, in the opinion of BFA, are of comparable quality to obligations of U.S. banks which may be purchased by a Fund.

Other Restrictions

Each Fund will be classified as ''non-diversified.'' A non-diversified fund is a fund that is not limited by the 1940 Act with regard to the percentage of its assets that may be invested in the securities of a single issuer.[16]

Each Fund intends to maintain the required level of diversification and otherwise conduct its operations so as to qualify as a regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code.[17]

A Fund may hold up to an aggregate amount of 15% of its net assets (calculated at the time of investment) in assets deemed illiquid by the Adviser, consistent with Commission guidance.[18] Each Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will

companies, industrials, information technology companies, and treasury securities. The top sectors of the Fund, and the degree to which they represent certain industries, may change over time.

[14] *See* note 11, *supra.* Top sectors of the iShares Core Allocation Growth ETF primarily include consumer discretionary, financial companies, industrials, and information technology companies. The top sectors of the Fund, and the degree to which they represent certain industries, may change over time.

[15] For purposes of this proposed rule change, the term ''ETP'' includes Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Index-Linked Securities (as described in NYSE Arca Equities Rule 5.2(j)(6)); Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100); Trust Issued Receipts (as described in NYSE Arca Equities Rule 8.200); Commodity-Based Trust Shares (as described in NYSE Arca Equities Rule 8.201); Commodity Index Trust Shares (as described in NYSE Arca Equities Rule 8.203); Commodity Futures Trust Shares (as described in NYSE Arca Equities Rule 8.204); and Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600). All ETPs will be listed and traded on a U.S. national securities exchange.

[16] The diversification standard is set forth in Section 5(b)(1) of the 1940 Act.

[17] 26 U.S.C. 851 *et seq.*

[18] In reaching liquidity decisions, the Adviser may consider the following factors: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer).

consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of a Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[19]

Net Asset Value

The net asset value (''NAV'') for each Fund normally will be determined once daily Monday through Friday, generally as of the regularly scheduled close of business of the New York Stock Exchange (''NYSE'') (normally 4:00 p.m., Eastern time) on each day that the NYSE is open for trading, based on prices at the time of closing provided that (a) any Fund assets or liabilities denominated in currencies other than the U.S. dollar will be translated into U.S. dollars at the prevailing market rates on the date of valuation as quoted by one or more data service providers, and (b) U.S. fixed-income assets may be valued as of the announced closing time for trading in fixed-income instruments in a particular market or exchange. The NAV of each Fund will be calculated by dividing the value of the net assets of a Fund (*i.e.,* the value of its total assets, which includes the values of the Underlying Fund shares in which a Fund invests, less total liabilities) by the total number of outstanding Shares of a Fund, generally rounded to the nearest cent.

The value of the securities and other assets and liabilities held by each Fund will be determined pursuant to valuation policies and procedures approved by the Trust's Board of Trustees (''Board'').

Equity investments, including the shares of Underlying Funds and shares of other ETPs, will be valued at market value, which will generally be determined using the last reported official closing price or last trading price on the exchange or market on which the security is primarily traded at the time of valuation.

Generally, trading in U.S. government securities and certain fixed-income securities is substantially completed each day at various times prior to the close of business on the NYSE. The values of such securities used in computing the NAV of the Funds will be determined as of such times.

Repurchase agreements will generally be valued at par. Other short-term instruments will generally be valued at the last available bid price received from independent pricing services. In determining the value of a fixed income investment, pricing services may use certain information with respect to transactions in such investments, quotations from dealers, pricing matrixes, market transactions in comparable investments, various relationships observed in the market between investments, and calculated yield measures. In certain circumstances, short-term instruments may be valued on the basis of amortized cost.

When market quotations are not readily available or are believed by BFA to be unreliable, a Fund's investments will be valued at fair value. Fair value determinations will be made by BFA in accordance with policies and procedures approved by the Trust's Board. BFA may conclude that a market quotation is not readily available or is unreliable if a security or other asset or liability does not have a price source due to its lack of liquidity, if a market quotation differs significantly from recent price quotations or otherwise no longer appears to reflect fair value, where the security or other asset or liability is thinly traded, or where there is a significant event subsequent to the most recent market quotation. A ''significant event'' is an event that, in the judgment of BFA, is likely to cause a material change to the closing market price of the asset or liability held by a Fund.[20]

Creations and Redemptions

According to the Registration Statement, the consideration for purchase of Creation Units of Shares of a Fund generally will consist of the in-kind deposit of a designated portfolio of securities (including any portion of such securities for which cash may be substituted) (''Deposit Securities'') and the Cash Component computed as described below. Together, the Deposit Securities and the Cash Component constitute the ''Fund Deposit,'' which will be applicable (subject to possible amendment or correction) to creation requests received in proper form. The Fund Deposit represents the minimum initial and subsequent investment amount for a Creation Unit of a Fund. A Creation Unit will consist of 50,000 Shares of a Fund. The Creation Unit size for a Fund may change.

The ''Cash Component'' will be an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the ''Deposit Amount,'' which is an amount equal to the market value of the Deposit Securities, and serves to compensate for any differences between the NAV per Creation Unit and the Deposit Amount.

Creation Units may be purchased only by or through a DTC participant that has entered into an authorized participant agreement (as described in the Registration Statement) with the Distributor (such DTC participant, an ''Authorized Participant''). Except as noted below, creation orders must be received by the Distributor in proper form generally before the closing time of the regular trading session of the Exchange (normally 4:00 p.m., Eastern time) in each case on the date such order is placed in order for creation of Creation Units to be effected based on the NAV of Shares of a Fund as next determined on such date after receipt of the order in proper form. On days when the Exchange or other markets close earlier than normal, a Fund may require orders to create Creation Units to be placed earlier in the day. A standard creation transaction fee will be imposed to offset the transfer and other transaction costs associated with the issuance of Creation Units.

Although the Trust will not ordinarily permit partial or full cash purchases of Creation Units of Shares of a Fund, when partial or full cash purchases of Creation Units are available or specified for a Fund, they will be effected in essentially the same manner as in-kind purchases thereof. In the case of a partial or full cash purchase, the Authorized Participant must pay the cash equivalent of the Deposit Securities

[19] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the Securities Act of 1933).

[20] According to the Registration Statement, fair value represents a good faith approximation of the value of an asset or liability. The fair value of an asset or liability held by a Fund is the amount a Fund might reasonably expect to receive from the current sale of that asset or the cost to extinguish that liability in an arm's-length transaction. Valuing a Fund's investments using fair value pricing will result in prices that may differ from current market valuations and that may not be the prices at which those investments could have been sold during the period in which the particular fair values were used.

it would otherwise be required to provide through an in-kind purchase, plus the same Cash Component required to be paid by an in-kind purchaser.

BFA will make available through the National Securities Clearing Corporation (''NSCC'') on each business day prior to the opening of business on the Exchange, the list of names and the required number of shares of each Deposit Security and the amount of the Cash Component to be included in the current Fund Deposit (based on information as of the end of the previous business day for each Fund). Such Fund Deposit will be applicable, subject to any adjustments as described below, to purchases of Creation Units of shares of a given Fund until such time as the next-announced Fund Deposit is made available.

The identity and number of shares of the Deposit Securities will change pursuant to changes in the composition of a Fund's portfolio and as rebalancing adjustments and corporate action events are reflected from time to time by BFA with a view to the investment objective of a Fund. The composition of the Deposit Securities may also change in response to adjustments to the weighting or composition of the component securities constituting a Fund's portfolio.

The Funds reserve the right to permit or require the substitution of a ''cash in lieu'' amount to be added to the Cash Component to replace any Deposit Security that may not be available in sufficient quantity for delivery or that may not be eligible for transfer through the Depository Trust Company (''DTC''). The Funds also reserve the right to permit or require a ''cash in lieu'' amount in certain circumstances, including circumstances in which (i) the delivery of the Deposit Security by the Authorized Participant would be restricted under applicable securities or other local laws or (ii) the delivery of the Deposit Security to the Authorized Participant would result in the disposition of the Deposit Security by the Authorized Participant becoming restricted under applicable securities or other local laws, or in certain other situations.

Shares of a Fund may be redeemed by Authorized Participants only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Distributor or its agent and only on a business day. The Funds will not redeem shares in amounts less than Creation Units. Each Fund generally will redeem Creation Units for Fund Securities, as defined below.

Except as noted below, redemption orders must be received by the Distributor in proper form generally before the closing time of the regular trading session of the Exchange (normally 4:00 p.m., Eastern time) in each case on the date such order is placed in order for redemption of Creation Units to be effected based on the NAV of Shares of a Fund as next determined on such date after receipt of the order in proper form. On days when the Exchange or other markets close earlier than normal, a Fund may require orders to redeem Creation Units to be placed earlier in the day. A standard redemption transaction fee will be imposed to offset the transfer and other transaction costs associated with the redemption of Creation Units.

BFA will make available through the NSCC, prior to the opening of business on the Exchange on each business day, the designated portfolio of securities (including any portion of such securities for which cash may be substituted) that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities'') and a Cash Amount (as defined below). Fund Securities received on redemption may not be identical to Deposit Securities that are applicable to creations of Creation Units.

Unless cash redemptions are available or specified for a Fund, the redemption proceeds for a Creation Unit generally will consist of Fund Securities, plus the Cash Amount, which is an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after the receipt of a redemption request in proper form, and the value of Fund Securities, less a redemption transaction fee.

The Trust may, in its sole discretion, substitute a ''cash in lieu'' amount to replace any Fund Security. The Funds also reserve the right to permit or require a ''cash in lieu'' amount in certain circumstances, including circumstances in which (i) the delivery of a Fund Security to the Authorized Participant would be restricted under applicable securities or other local laws or (ii) the delivery of a Fund Security to the Authorized Participant would result in the disposition of the Fund Security by the Authorized Participant becoming restricted under applicable securities or other local laws, or in certain other situations. The amount of cash paid out in such cases will be equivalent to the value of the substituted security listed as a Fund Security. In the event that the Fund Securities have a value greater than the NAV of the Shares, a compensating cash payment equal to the difference is required to be made by or through an Authorized Participant by the redeeming shareholder.

Availability of Information

The Funds' Web site (*www.ishares.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for a Fund that may be downloaded. The Funds' Web site will include additional quantitative information updated on a daily basis, including, for the Funds, (1) the prior business day's reported closing price, NAV and mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[21] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, each Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for such Fund's calculation of NAV at the end of the business day.[22]

On a daily basis, each Fund will disclose for each portfolio security or other financial instrument of each Fund the following information on the Funds' Web site: Ticker symbol (if applicable), name of security and financial instrument, number of shares and dollar value of securities and financial instruments held in the portfolio, and percentage weighting of the security and financial instrument in the portfolio. The Web site information will be publicly available at no charge.

In addition, a basket composition file, which includes the security names and share quantities required to be delivered in exchange for each Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the NYSE via NSCC. The basket represents one Creation Unit of a Fund.

Investors can also obtain the Trust's Statement of Additional Information

[21] The Bid/Ask Price of Shares of each Fund will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of a Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Funds and their service providers.

[22] Under accounting procedures followed by the Funds, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Funds will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

(''SAI''), each Fund's Shareholder Reports, and the Trust's Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares of each Fund, shares of the Underlying Funds and shares of other ETPs will be available via the Consolidated Tape Association (''CTA'') high-speed line. In addition, the Indicative Optimized Portfolio Value (''IOPV''),[23] which is the Portfolio Indicative Value as defined in NYSE Arca Equities Rule 8.600 (c)(3), will be widely disseminated at least every 15 seconds during the Core Trading Session by one or more major market data vendors.[24] The dissemination of the IOPV, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of each Fund on a daily basis and to provide a close estimate of that value throughout the trading day. The intra-day, closing and settlement prices of repurchase agreements and short-term instruments will also be readily available from published or other public sources, or online information services such as Bloomberg or Reuters.

Additional information regarding the Trust and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions and taxes is included in the Registration Statement. All terms relating to the Funds that are referred to, but not defined in, this proposed rule change are defined in the Registration Statement.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Funds.[25] Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of a Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of a Fund may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. Eastern time in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares of each Fund will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600. The Exchange represents that, for initial and/or continued listing, the Funds will be in compliance with Rule 10A–3 [26] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for each Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share of each Fund will be calculated daily and that the NAV and the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) will be made available to all market participants at the same time.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing surveillance procedures administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[27] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The Exchange's current trading surveillance focuses on detecting securities trading outside their normal patterns. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares of each Fund, shares of the Underlying Funds, and shares of other ETPs with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares of each Fund, shares of the Underlying Funds, and shares of other ETPs, from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares of the Funds, shares of the Underlying Funds, and shares of other ETPs from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[28]

In addition, the Exchange also has a general policy prohibiting the

[23] The IOPV will be based on the current value of the securities and other assets held by the Funds using market data converted into U.S. dollars at the current currency rates. The IOPV price will be based on quotes and closing prices from the securities' local market and may not reflect events that occur subsequent to the local market's close. Premiums and discounts between the IOPV and the market price may occur. The IOPV will not necessarily reflect the precise composition of the current portfolio of securities held by a Fund at a particular point in time or the best possible valuation of the current portfolio. Therefore, the IOPV should not be viewed as a ''real-time'' update of a Fund's NAV, which will be calculated only once a day.

[24] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available IOPVs taken from CTA or other data feeds.

[25] *See* NYSE Arca Equities Rule 7.12.

[26] 17 CFR 240.10A–3.

[27] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[28] For a list of the current members of ISG, see *www.isgportal.org.* The Exchange notes that, with the exception of short-term instruments, as described above, all components of the Disclosed Portfolio for a Fund will trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IOPV will not be calculated or publicly disseminated; (4) how information regarding the IOPV is disseminated; (5) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that each Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. Eastern time each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [29] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. The Adviser has implemented a ''fire wall'' with respect to its affiliated broker-dealers regarding access to information concerning the composition and/or changes to a Fund's portfolio. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares of the Funds, shares of the Underlying Funds, and shares of other ETPs with markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares of the Funds, shares of the Underlying Funds, and shares of other ETPs from such markets and other entities. The Exchange may obtain information regarding trading in the Shares of the Funds, shares of the Underlying Funds, and shares of other ETPs from ISG member markets or markets with which the Exchange has in place a comprehensive surveillance sharing agreement. A Fund may hold up [sic] an aggregate amount of 15% of its net assets (calculated at the time of investment) in assets deemed illiquid by the Adviser, consistent with Commission guidance.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share of each Fund will be calculated daily and that the NAV and the Disclosed Portfolio for each Fund will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Funds and the Shares, thereby promoting market transparency. Moreover, the IOPV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Funds will disclose on their Web site the Disclosed Portfolio that will form the basis for a Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. The Web site for the Funds will include a form of the prospectus for the Funds and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of a Fund may be halted. In addition, as noted above, investors will have ready access to information regarding a Fund's holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of actively-managed exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares of the Funds, shares of the Underlying Funds, and shares of other ETPs with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, shares of the Underlying Funds, and shares of other ETPs from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares as well as shares of the Underlying Funds, and shares of other ETPs from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. As noted above, investors will have ready access to information regarding a Fund's holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares. The proposed rule change would benefit investors by providing them with additional choices of transparent and tradeable products.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance

[29] 15 U.S.C. 78f(b)(5).

of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of other actively-managed exchange-traded products that hold equity securities and will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2014–19 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2014–19. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–19 and should be submitted on or before April 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05861 Filed 3–17–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71697; File No. SR–NASDAQ–2014–021]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Routing Fees

March 12, 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 March 4, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[30] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ proposes to modify Chapter XV, entitled ''Options Pricing,'' at Section 2 governing pricing for NASDAQ members using the NASDAQ Options Market (''NOM''), NASDAQ's facility for executing and routing standardized equity and index options. Specifically, NOM proposes to amend its Customer Routing Fees.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaq.cchwallstreet.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Routing Fees in Chapter XV, Section 2(3) to recoup costs incurred by the Exchange to route orders to away markets.

Today, the Exchange assesses a Non-Customer a $0.95 per contract Routing Fee to any options exchange. The Customer[3] Routing Fee for option orders routed to NASDAQ OMX PHLX LLC (''PHLX'') is a $0.05 per contract Fixed Fee in addition to the actual transaction fee assessed. The Customer Routing Fee for option orders routed to NASDAQ OMX BX, Inc. (''BX Options'') is $0.00 per contract. The Customer Routing Fee for option orders routed to all other options exchanges[4] (excluding

[3] The term ''Customer'' or (''C'') applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional'' (as that term is defined in Chapter I, Section 1(a)(48)).

[4] Including BATS Exchange, Inc. (''BATS''), BOX Options Exchange LLC (''BOX''), the Chicago Board Options Exchange, Incorporated (''CBOE''), C2 Options Exchange, Incorporated (''C2''),

PHLX and BX Options) is a fixed fee of $0.20 per contract (''Fixed Fee'') in addition to the actual transaction fee assessed. If the away market pays a rebate, the Routing Fee is $0.00 per contract.

With respect to the fixed costs, the Exchange incurs a fee when it utilizes Nasdaq Options Services LLC (''NOS''),[5] a member of the Exchange and the Exchange's exclusive order router.[6] Each time NOS routes an order to an away market, NOS is charged a clearing fee[7] and, in the case of certain exchanges, a transaction fee is also charged in certain symbols, which fees are passed through to the Exchange. The Exchange currently recoups clearing and transaction charges incurred by the Exchange as well as certain other costs incurred by the Exchange when routing to away markets, such as administrative and technical costs associated with operating NOS, membership fees at away markets, Options Regulatory Fees (''ORFs''), staffing and technical costs associated with routing options. The Exchange assesses the actual away market fee at the time that the order was entered into the Exchange's trading system. This transaction fee is calculated on an order-by-order basis since different away markets charge different amounts.

The Exchange is proposing to assess market participants routing Customer orders to PHLX a $0.10 per contract Fixed Fee in addition to the actual transaction fee assessed. Today the Exchange assesses a $0.05 per contract Fixed Fee in addition to the actual transaction fee assessed with respect to Customer orders routed to PHLX. The Exchange would increase the Fixed Fee for Customer orders routed to PHLX from $0.05 to $0.10 per contract to recoup an additional portion of the costs incurred by the Exchange for routing these orders.

Today the Exchange does not assess a fee with respect to Customer orders routed to BX Options. The Exchange noted in a previous rule change routing proposal that it would not assess a fee for Customer orders routed to BX Options because the Exchange retains the rebate that is paid by that market.[8] In order words, the Exchange today does not assess a Routing Fee when routing Customer orders to BX Options because that exchange pays a rebate and instead of netting the customer rebate paid by BX Options against a fixed fee, the Exchange simply does not assess a fee. The Exchange is proposing to assess a $0.10 per contract Fixed Fee when routing Customer orders to BX Options in order to recoup a portion of the costs incurred by the Exchange for routing these orders. The Exchange does not assess the actual transaction fee assessed by BX Options, rather the Exchange only assesses the Fixed Fee, because the Exchange would continue to retain the rebate to offset the cost to route orders to BX Options. This is not the case for all orders routed to BX Options because not all Customer orders receive a rebate.[9]

Similarly, the Exchange is proposing to amend the Customer Routing Fee assessed when routing to all other options exchanges, if the away market pays a rebate, from a $0.00 to a $0.10 per contract Fixed Fee, in order to recoup an additional portion of the costs incurred by the Exchange for routing these orders. The Exchange does not assess the actual transaction fee assessed by the away market, rather the Exchange only assess the Fixed Fee, because the Exchange would continue to retain the rebate to offset the cost to route orders to these away markets. Today, the Exchange incurs certain costs when routing to away markets that pay rebates. The Exchange desires to recoup additional costs at this time.

2. Statutory Basis

NASDAQ believes that its proposal to amend its fees is consistent with Section 6(b) of the Act[10] in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of the Act[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that amending the Customer Routing Fee for orders routed to PHLX from a Fixed Fee of $0.05 to $0.10 per contract, in addition to the actual transaction fee, is reasonable because the Exchange desires to recoup an additional portion of the cost it incurs when routing Customer orders to PHLX. Today, the Exchange assesses orders routed to PHLX a lower Fixed Fee for routing Customer orders as compared to the Fixed Fee assessed to other options exchanges. The Exchange is proposing to increase the Fixed Fee to recoup additional costs that are incurred by the Exchange in connection with routing these orders on behalf of its members.

The Exchange believes that amending the Customer Routing Fee for orders routed to BX Options from a Fixed Fee of $0.00 to $0.10 per contract is reasonable because the Exchange desires to recoup an additional portion of the cost it incurs when routing Customer orders to BX Options, similar to the amount of Fixed Fee it proposes to assess for orders routed to PHLX. The Exchange is proposing to assess a Fixed Fee to recoup additional costs that are incurred by the Exchange in connection with routing these orders on behalf of its members. While the Exchange would continue to retain any rebate paid by BX Options, the Exchange does not assess the actual transaction fee that is charged by BX Options for Customer orders.

The Exchange believes that continuing to assess lower Fixed Fees to route Customer orders to PHLX and BX Options, as compared to other options exchanges, is reasonable as the Exchange is able to leverage certain infrastructure to offer those markets lower fees as explained further below. Similarly, the Exchange believes that amending the Customer Routing Fee to other away markets, other than PHLX and BX Options, in the instance the away market pays a rebate from a Fixed Fee of $0.00 to $0.10 per contract is reasonable because the Exchange desires to recoup an additional portion of the cost it incurs when routing orders to these away markets. While the Exchange would continue to retain any rebate paid by these away markets, the Exchange does not assess the actual transaction fee that is charged by the away market for Customer orders. The Fixed Fee for Customer orders is an approximation of the costs the Exchange will be charged for routing orders to away markets. As a general matter, the

International Securities Exchange, LLC (''ISE''), the Miami International Securities Exchange, LLC (''MIAX''), NYSE Arca, Inc. (''NYSE Arca''), NYSE MKT LLC (''NYSE Amex'') and Topaz Exchange, LLC (''Gemini'').

[5] The Exchange filed a proposed rule change to utilize Nasdaq Execution Services, LLC (''NES'') for outbound order routing. *See* Securities Exchange Act Release No. 71419 (January 28, 2014), 79 FR 6253 (February 3, 2014) (SR–NASDAQ–2014–007). This filing has not yet been implemented. The Exchange intends to implement this filing in mid-March 2014.

[6] In May 2009, the Exchange adopted Rule 1080(m)(iii)(A) to establish NOS, a member of the Exchange, as the Exchange's exclusive order router. *See* Securities Exchange Act Release No. 59995 (May 28, 2009), 74 FR 26750 (June 3, 2009) (SR–Phlx–2009–32). NOS is utilized by the Exchange's fully automated options trading system, PHLX XL®.

[7] The Options Clearing Corporation (''OCC'') assesses $0.01 per contract side.

[8] *See* Securities Exchange Act Release No. 69391 (April 18, 2013), 78 FR 24282 (April 24, 2013) (SR–NASDAQ–2013–064).

[9] BX Options pays a Customer Rebate to Remove Liquidity as follows: Customers are paid $0.32 per contract in All Other Penny Pilot Options (excluding BAC, IWM, QQQ, SPY and VXX) and $0.70 per contract in Non-Penny Pilot Options. *See* BX Options Rules at Chapter XV, Section 2(1).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4), (5).

Exchange believes that the proposed fees for Customer orders routed to markets which pay a rebate, such as BX Options and other away markets, would allow it to recoup and cover a portion of the costs of providing optional routing services for Customer orders because it better approximates the costs incurred by the Exchange for routing such orders. While each destination market's transaction charge varies and there is a cost incurred by the Exchange when routing orders to away markets, including, OCC clearing costs, administrative and technical costs associated with operating NOS, membership fees at away markets, ORFs and technical costs associated with routing options, the Exchange believes that the proposed Routing Fees will enable it to recover the costs it incurs to route Customer orders to away markets.

The Exchange believes that amending the Customer Routing Fee for orders routed to PHLX from a Fixed Fee of $0.05 to $0.10 per contract, in addition to the actual transaction fee, is equitable and not unfairly discriminatory because the Exchange would assess the same Fixed Fee to all orders routed to PHLX in addition to the transaction fee assessed by that market. With respect to BX Options, the Exchange would uniformly assess a $0.10 per contract Fixed Fee for all orders routed to BX Options and would continue to uniformly not assess the actual transaction fee, as is the case today. The Exchange would uniformly assess a $0.10 per contract Fixed Fee to orders routed to NASDAQ OMX exchanges because the Exchange is passing along the saving realized by leveraging NASDAQ OMX's infrastructure and scale to market participants when those orders are routed to PHLX or BX Options and is providing those saving to all market participants. Furthermore, it is important to note that when orders are routed to an away market they are routed based on price first.[12] The Exchange believes that it is equitable and not unfairly discriminatory to assess a fixed cost of $0.10 per contract to route orders to PHLX and BX Options because the cost, in terms of actual cash outlays, to the Exchange to route to those markets is lower. For example, costs related to routing to PHLX and BX Options are lower as compared to other away markets because NOS is utilized by all three exchanges to route orders.[13] NOS and the three NASDAQ OMX options markets have a common data center and staff that are responsible for the day-to-day operations of NOS. Because the three exchanges are in a common data center, Routing Fees are reduced because costly expenses related to, for example, telecommunication lines to obtain connectivity are avoided when routing orders in this instance. The costs related to connectivity to route orders to other NASDAQ OMX exchanges are lower than the costs to route to a non-NASDAQ OMX exchange. When routing orders to non-NASDAQ OMX exchanges, the Exchange incurs costly connectivity charges related to telecommunication lines, membership and access fees, and other related costs when routing orders.

The Exchange believes that amending the Customer Routing Fee to other away markets, other than PHLX and BX Options, in the instance the away market pays a rebate from a Fixed Fee of $0.00 to $0.10 per contract is equitable and not unfairly discriminatory because the Exchange would assess a lower Routing Fee, as compared to away markets that do not pay a rebate, because the Exchange retains the rebate that is paid by that market. The Exchange would assess the same Fixed Fee when routing Customer orders to a NASDAQ OMX exchange that pays a rebate as it would to route an order to an away market (non-NASDAQ OMX exchange) that pays a rebate. These proposals would apply uniformly to all market participants when routing to an away market that pays a rebate, other than PHLX and BX Options. Market participants may submit orders to the Exchange as ineligible for routing or ''DNR'' to avoid Routing Fees.[14] Also, orders are routed to an away market based on price first.[15]

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposal creates a burden on intra-market competition because the Exchange is applying the same Routing Fees to all market participants in the same manner dependent on the routing venue, with the exception of Customers. The Exchange will continue to assess separate Customer Routing Fees. Customers will continue to receive the lowest fees as compared to non-Customers when routing orders, as is the case today. Other options exchanges also assess lower Routing Fees for customer orders as compared to non-customer orders.[16]

The Exchange's proposal would allow the Exchange to continue to recoup its costs when routing Customer orders to PHLX or BX Options as well as away markets that pay a rebate when such orders are designated as available for routing by the market participant. The Exchange continues to pass along savings realized by leveraging NASDAQ OMX's infrastructure and scale to market participants when Customer orders are routed to PHLX and BX Options and is providing those savings to all market participants. Today, other options exchanges also assess fixed routing fees to recoup costs incurred by the exchange to route orders to away markets.[17]

Market participants may submit orders to the Exchange as ineligible for routing or ''DNR'' to avoid Routing Fees.[18] It is important to note that when orders are routed to an away market they are routed based on price first.[19]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[20] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

[12] *See* NASDAQ Rules at Chapter VI, Section 11(e) (Order Routing).

[13] *See* Chapter VI, Section 11 of the BX Options. *See also* PHLX Rule 1080(m)(iii)(A).

[14] *See* note 12.

[15] *See* note 12.

[16] BATS assesses lower customer routing fees as compared to non-customer routing fees per the away market. For example BATS assesses ISE customer routing fees of $0.30 per contract and an ISE non-customer routing fee of $0.57 per contract. *See* BATS BZX Exchange Fee Schedule.

[17] *See* CBOE's Fees Schedule and ISE's Fee Schedule.

[18] *See* note 12.

[19] *See* note 12.

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

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–2014–021 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–021. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–021 and should be submitted on or before April 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–05857 Filed 3–17–14; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Petrotech Oil & Gas, Inc.; Order of Suspension of Trading

March 14, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Petrotech Oil & Gas, Inc. because of questions regarding the accuracy of publicly available information about the company's operations.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on March 14, 2014, through 11:59 p.m. EDT on March 27, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–06005 Filed 3–14–14; 4:15 pm]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 13907 and # 13908]

Georgia Disaster # GA–00058

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Georgia (FEMA–4165–DR), dated 03/06/2014.

Incident: Severe Winter Storm

Incident Period: 02/10/2014 through 02/14/2014

Effective Date: 03/06/2014

Physical Loan Application Deadline Date: 05/05/2014

Economic Injury (EIDL) Loan Application Deadline Date: 12/08/2014

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration Processing, And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/06/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Baldwin, Bulloch, Burke, Butts, Candler, Carroll, Columbia, Coweta, Dade, Emanuel, Fayette, Fulton, Gilmer, Glascock, Hancock, Haralson, Heard, Jasper, Jefferson, Jenkins, Johnson, Jones, Lamar, Mcduffie, Meriwether, Monroe, Morgan, Newton, Pickens, Pike, Richmond, Screven, Spalding, Upson, Walker, Warren, Washington, Whitfield, Wilkes.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 13907B and for economic injury is 13908B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Cynthia G. Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2014–05851 Filed 3–17–14; 8:45 am]

BILLING CODE 8025–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Charter Renewal of the Trade Advisory Committee on Africa (TACA); Request for Nominations

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of Renewal of the Charter and Request for Nominations.

SUMMARY: The Office of the United States Trade Representative (''USTR''), pursuant to Section 135 of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)) as amended, the Federal Advisory Committee Act (5 U.S.C. App. II),

announces the renewal of the charter of the Trade Advisory Committee on Africa (TACA), a federal advisory committee established to provide trade and development policy advice regarding the countries of sub-Saharan Africa. The Charter will be effective for four years from the date of this **Federal Register** notice. There are currently opportunities for membership on this Committee. USTR is seeking nominations for membership on the Committee.

DATES: In order to receive full consideration, nominations for current vacancies should be received not later than April 18, 2014. Nominations will be accepted after April 18 until the expiration of the charter term on March 17, 2018, for appointments on a rolling basis as vacancies arise.

ADDRESSES: Submissions should be sent to Tiffany Enoch, Deputy Assistant U.S. Trade Representative, Office of Intergovernmental Affairs and Public Engagement at *IAPE@ustr.eop.gov.* For alternatives to email submission, please contact Tiffany Enoch at (202) 395–6120.

FOR FURTHER INFORMATION CONTACT: Questions regarding this request for nominations should be directed to Tiffany Enoch, Deputy Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement at (202) 395–6120.

SUPPLEMENTARY INFORMATION:

Background

Section 135 of the Trade Act of 1974, as amended (19 U.S.C. 2155), established a private-sector trade advisory system to ensure that U.S. trade policy and trade negotiation objectives adequately reflect U.S. commercial and economic interests.

Section 135(a)(2) directs the President to: Seek information and advice from representative elements of the private sector and the non-Federal governmental sector with respect to

(A) Negotiating objectives and bargaining positions before entering into a trade agreement under [title I of the Trade Act of 1974 and section 2103 of the Bipartisan Trade Promotion Authority Act of 2002];

(B) The operation of any trade agreement once entered into, including preparation for dispute settlement panel proceedings to which the United States is a party; and

(C) Other matters arising in connection with the development, implementation, and administration of the trade policy of the United States.

Section 135(c)(1) of the 1974 Trade Act provides that: [t]he President may establish individual general policy advisory committees for industry, labor, agriculture, services, investment, defense, and other interests, as appropriate, to provide general policy advice on matters referred to in subsection (a) of this section. Such committees shall, insofar as is practicable, be representative of all industry, labor, agricultural, service, investment, defense, and other interests, respectively, including small business interests, and shall be organized by the United States Trade Representative and the Secretaries of Commerce, Defense, Labor, Agriculture, the Treasury, or other executive departments, as appropriate. The members of such committees shall be appointed by the United States Trade Representative in consultation with such Secretaries.

Section 14 of the AGOA Acceleration Act of 2004 directs the President to convene the TACA ''in order to facilitate the goals and objectives of the African Growth and Opportunity Act and this Act, and to maintain ongoing discussions with African trade and agricultural ministries and private sector organizations on issues of mutual concern, including regional and international trade concerns and World Trade Organization issues.'' Pursuant to these provisions, the United States Trade Representative (USTR) is renewing the charter of the Trade Advisory Committee on Africa (TACA) concurrent with this notice.

Functions

The duties of the TACA are to provide the President, through the USTR, with policy advice on issues involving trade and development in sub-Saharan Africa. The TACA is expected to meet an average of two to three times a year in Washington, DC.

Membership

Members serve without compensation and are responsible for all expenses incurred to attend the meetings. TACA members are appointed by the USTR. Appointments are made at the chartering of the TACA and periodically throughout the four-year charter term. Members serve at the discretion of the USTR. Appointments to the TACA expire at the end of the TACA's charter term, in this case, March 17, 2018.

Members are selected to represent their respective sponsoring U.S. entity's interests on sub-Saharan African trade matters, and thus nominees are considered foremost based upon their ability to carry out the goals of section 135(c) of the Trade Act of 1974, as amended. Other criteria are the nominee's knowledge of and expertise in international trade issues as relevant to the work of the TACA and that representation on the TACA is balanced in terms of sectors, demographics, and other interests. Additionally, USTR may appoint members expert in a relevant subject matter to serve in an individual capacity. Appointments to the TACA are made without regard to political affiliation.

All TACA members must be able to obtain and maintain a security clearance.

Request for Nominations

USTR is soliciting nominations for membership on the TACA. In order to be appointed to the TACA, the following eligibility requirements must be met:

1. The applicant must be a U.S. citizen;
2. The applicant must not be a full-time employee of a U.S. governmental entity;
3. The applicant must not be a federally-registered lobbyist;
4. The applicant must not be registered with the Department of Justice under the Foreign Agents Registration Act;
5. The applicant must be able to obtain and maintain a security clearance; and
6. The applicant must represent a U.S. organization whose members (or funders) have a demonstrated interest in issues relevant to trade and development in sub-Saharan Africa or that (a) is directly engaged in the import or export of goods or that sells its services abroad, or (b) is an association of such entities.

For eligibility purposes, a ''U.S. organization'' is an organization, established under the laws of the United States, that is controlled by U.S. citizens, by another U.S. organization (or organizations), or by a U.S. entity (or entities), as determined based on its board of directors (or comparable governing body), membership, and funding sources, as applicable. To qualify as a U.S. organization, more than 50 percent of the board of directors (or comparable governing body) and more than 50 percent of the membership of the organization to be represented must be U.S. citizens, U.S. organizations, or U.S. entities. Additionally, at least 50 percent of the organization's annual revenue must be attributable to nongovernmental U.S. sources.

In order to be considered for TACA membership, a nominee should submit:

(1) Name, title, affiliation, and relevant contact information of the individual requesting consideration;

(2) A sponsor letter on the entity's or organization's letterhead containing a brief description of why the applicant should be considered for membership;

(3) The applicant's personal resume demonstrating knowledge of international trade issues;

(4) An affirmative statement that the applicant and the organization he or she represents meet all eligibility requirements;

(5) An affirmative statement that the applicant is not a federally registered lobbyist, and that the applicant understands that if appointed, the applicant will not be allowed to continue to serve as a TACA member if the applicant becomes a federally registered lobbyist; and

(6) Information regarding the sponsoring entity, including the control of the entity or organization to be represented and the organization's demonstrated interest in international trade. As noted, members of the committee are appointed to represent the views of their sponsoring entities. As such, committee members will generally serve as representatives of those organizations and not as Special Government Employees.

Submit applications to Tiffany Enoch, Deputy Assistant U.S. Trade Representative for Intergovernmental and Affairs and Public Engagement. Send applications to: *iape@ustr.eop.gov.* If you have any question please contact Ms. Enoch at (202) 395–6120.

Applicants that meet the eligibility criteria will be considered for membership based on the following criteria: Ability to represent the sponsoring U.S. entity's or U.S. organization's and its subsector's interests on trade and development matters; knowledge of and experience in trade and development matters relevant to the work of the Committee; and ensuring that the Committee is balanced in terms of points of view, demographics, geography, and entity or organization size.

Dated: March 13, 2014.

Jewel James,

Assistant U.S. Trade Representative, Intergovernmental Affairs and Public Engagement.

[FR Doc. 2014–05923 Filed 3–17–14; 8:45 am]

BILLING CODE 3290–F4–P

DEPARTMENT OF TRANSPORTATION

Data Capture and Management Research Program Public Meeting; Notice of Public Meeting

AGENCY: ITS Joint Program Office, Office of the Assistant Secretary for Research & Technology, U.S. Department of Transportation.

ACTION: Notice.

The U.S. Department of Transportation (USDOT) Intelligent Transportation System Joint Program Office (ITS JPO) will host a public meeting seeking input on the current operation and future plans to enhance the Data Capture and Management Program's (DCM) Research Data Exchange (RDE). The meeting will take place Wednesday, March 26, 2014, from 8:00 a.m. (EDT) to 4:30 p.m. (EDT) at the Federal Highway Administration's Research Center, located at 6300 Georgetown Pike, McLean, VA 22101. Persons planning to attend the meeting should register online at *www.itsa.org/rderegistration* and are encouraged to register early to ensure they receive the read-ahead materials for this meeting in a timely manner.

The meeting will discuss:

- Current functionality and operation of the RDE;
- Potential functions, resources or services to enhance the operation of the RDE;
- Process and plans for collecting, managing and supporting the use of connected vehicle related data sets to be posted on the RDE;
- Need for and potential priorities for connected vehicle relates data sets to make available on the RDE in the future; and
- Opportunities to enhance the operation and use of the RDE.

The meeting is designed to solicit feedback from stakeholders who are current users of the connected vehicle related data sets currently available to access and use on the RDE and is an appropriate opportunity for public sector, researchers, and private sector involved with ITS transportation management systems and connected vehicle related applications. The meeting will engage these stakeholders in a discussion of the current functionality, possible enhancements to the RDE, and possible priorities for future connected vehicle related data sets to make available on the RDE.

The RDE makes available archived and real-time data from multiple sources and multiple modes on the surface transportation system. The RDE provides access to ITS data sets from multiple sources including connected vehicles, probe messages, traffic monitoring and reporting devices (e.g., volumes, speed, and crashes), incidents, traffic signals, weather sensors, and transit vehicles. Data accessible through the RDE is quality-checked, well-documented, and freely available to the public. These data sets allow for the electronic access to a wide range of issues and factors to be considered or used for analysis and research. This data sharing capability supports the needs of researchers, application developers, and others, while reducing their costs and encouraging innovation.

This meeting's discussions will be fairly technical and predominantly focused on collecting, storing, using, and sharing multi-source and multi-modal data with traffic management systems or ITS devices. A final report will be prepared summarizing the information presented, discussed, feedback provided, and recommendations identified at this meeting.

For more information, please contact Carlos Alban, Transportation Program Specialist, Intelligent Transportation Society of America, 1100 New Jersey Ave. SE., Suite #50, Washington, DC 20003, 202–721–4223, *calban@its.org.*

Issued in Washington, DC, on the 12th day of March 2014.

John Augustine,

Managing Director, ITS Joint Program Office.

[FR Doc. 2014–05865 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–HY–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration (FAA)

Notice of Opportunity for Public Comment on Grant Acquired Property Release at Asheville Regional Airport, Asheville, North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. 47153(c), notice is being given that the Federal Aviation Administration (FAA) is considering a request from the City of Asheville and Buncombe County to waive the requirement that approximately 50 acres of airport property, located at the Asheville Regional Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before April 17, 2014.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Rusty Nealis, Program Manager, 1701 Columbia Ave., Suite 2–260, Atlanta, GA 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Lew Bleiweis, Airport Director, Asheville

Regional Airport, at the following address: Asheville Regional Airport, 61 Terminal Drive, Suite 1, Fletcher, NC 28732.

FOR FURTHER INFORMATION CONTACT: Rusty Nealis, Program Manager, Atlanta Airports District Office, 1701 Columbia Ave., Campus Building, Suite 2–260, Atlanta, GA 30337–2747, (404) 305–7142. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the City of Asheville and Buncombe County to release approximately 50 acres of airport property at the Asheville Regional Airport. This property was originally acquired with FAA assistance in 1958. This property is currently being used by the State of North Carolina for the Western North Carolina Agricultural Center and is compatible with airport operations.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Asheville Regional Airport.

Issued in Atlanta, Georgia on March 10, 2014.

Larry F. Clark,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 2014–05898 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Hawaii, HI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised Notice of Intent.

SUMMARY: The FHWA is issuing this revised notice of intent (NOI) to inform the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Hawaii County, Hawaii. This notice revises the NOI that was published in the **Federal Register** on July 13, 1999.

FOR FURTHER INFORMATION CONTACT: Ricardo Suarez, Division Engineer, Federal Highway Administration, Central Federal Lands Highway Division. Contact Information: 12300 West Dakota Avenue, Lakewood, CO 80228. Telephone: (720) 963–3448.

SUPPLEMENTARY INFORMATION: The FHWA, Central Federal Lands Highway Division (CFLHD), and the Hawaii Department of Transportation will prepare an environmental impact statement (EIS) for a surface transportation project in the South Kohala and North Kona Districts, of the island of Hawaii. The project intends to address the linkage between the Queen Kaahumanu Highway (State Highway 19) and the Mamalahoa Highway (State Highway 190) in the vicinity of the newly realigned Daniel K. Inouye Highway (formerly Saddle Road [State Highway 200]). This proposed link would constitute the final piece to complete one of the three highway arterials that connect the east and west regions on the island of Hawaii. This proposed link has been identified in the Hawaii Long-Range Plan for the purpose of adding inter-regional capacity. This notice updates a notice for the project originally published in the July 13, 1999, **Federal Register**. An EIS was not issued pursuant to the prior notice because changed circumstances may affect potential project alternatives.

The purpose of the project is to further develop this inter-regional capacity and connectivity link by considering various alternatives and their impacts, including the no-build scenario, through the environmental impact statement process. Secondary and supporting purposes to this primary goal are to: (1) Improve the efficiency and operational level of traffic movement between East Hawaii and West Hawaii in general; and (2) support the unique modal needs along this corridor, such as commercial and military transportation uses.

A notice describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and individuals who have expressed an interest in the project. A public hearing will be held after publication of the Draft EIS. A public notice will be placed in a daily newspaper to announce the date, time and place of the meeting and the availability of the Draft EIS for public and agency review and copying.

To ensure that the full range of issues relating to the proposed action are identified and addressed, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: March 11, 2014.

Ricardo Suarez,

Division Engineer, FHWA–CFLHD.

[FR Doc. 2014–05899 Filed 3–17–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Renewal Without Change to the Bank Secrecy Act Designation of Exempt Person Report; Proposed Collection; Comment Request

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), U.S. Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN, a bureau of the U.S. Department of the Treasury (''Treasury''), invites all interested parties to comment on its proposed renewal without change to the collection of information through its ''Designation of Exempt Person'' (''DoEP'') report used by banks and other depository institutions to designate eligible customers as exempt from the requirement to report transactions in currency over $10,000. This request for comments is being made pursuant to the Paperwork Reduction Act (''PRA'') of 1995, Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

DATES: Written comments are welcome and must be received on or before May 19, 2014.

ADDRESSES: Written comments should be submitted to: Policy Division, Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, Virginia 22183, Attention: PRA Comments—BSA-DoEP Renewal. DoEP comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.treas.gov*, again with a caption, in the body of the text, ''Attention: BSA-DoEP Renewal.''

Inspection of comments: Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room in Vienna, VA. Persons wishing to inspect the comments submitted must request an appointment with the Disclosure Officer by telephoning (703) 905–5034 (not a toll free call).

FOR FURTHER INFORMATION CONTACT: The FinCEN Regulatory Helpline at 800–949–2732, select option 8.

SUPPLEMENTARY INFORMATION:

Title: BSA Designation of Exempt Persons (DoEP) Report by Depository Financial Institutions, (See 31 CFR 1020.315(a)-(i)).

Office of Management and Budget (''OMB'') Control Number: 1506–0012.

Form Number: FinCEN Form 110.

Abstract: The statute generally referred to as the ''Bank Secrecy Act,'' Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5332, authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1] Regulations implementing Title II of the Bank Secrecy Act appear at 31 CFR Chapter X. The authority of the Secretary to administer the Bank Secrecy Act has been delegated to the Director of FinCEN.

The Secretary of the Treasury was granted authority in 1992, with the enactment of 31 U.S.C. 5313, to permit financial institutions to exempt certain persons from the requirement to file currency transaction reports.

The information collected on the DoEP is required to be provided pursuant to 31 U.S.C. 5313, as implemented by FinCEN regulations found at 31 CFR 1020.315(a)-(i). The information collected under this requirement is made available to appropriate agencies and organizations as disclosed in FinCEN's Privacy Act System of Records Notice relating to BSA Reports.[2]

Current Action: A renewal without change to the current DOEP, FinCEN Form 110.

The report is accessible on the FinCEN Web site at: *http://www.fincen.gov/forms/bsa_forms/*

Type of Review: Renewal without change of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for-profit financial institutions.

Frequency: As required.

Estimated Reporting Burden: Average of 60 minutes per report and 15 minutes recordkeeping per filing. (The reporting burden of the regulations 31 CFR 1020.315(a)–(i) is reflected in the burden for the report.)

Estimated Recordkeeping and Reporting Burden for 31 CFR 1020.315(a)-(i): 75 minutes.

Estimated Number of Respondents: 13,520.[3]

Estimated Total Annual Responses: 25,160.[4]

Estimated Total Annual Reporting and Recordkeeping Burden: 31,450 hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the Bank Secrecy Act must be retained for five years.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: March 12, 2014.

Frederick Reynolds,

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2014–05965 Filed 3–17–14; 8:45 am]

BILLING CODE 4810–02–P

[1] Language expanding the scope of the Bank Secrecy Act to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, P.L. 107–56.

[2] Treasury Department bureaus such as FinCEN renew their System of Records Notices every three years unless there is cause to amend them more frequently. FinCEN's System of Records Notice for the BSA Report System was most recently published at 77 FR 60014, October 1, 2012.

[3] As of January 31, 2014, there are 6,900 banks, and savings and loans, and 6,620 credit unions.

[4] Number of responses is based on actual 2013 filings as reported to the FinCEN System of Record.

DEPARTMENT OF THE TREASURY

United States Mint

Renewal of Currently Approved Information Collection: Comment Request for Customer Satisfaction and Opinion Surveys and Focus Group Interviews

AGENCY: United States Mint.

ACTION: Notice and request for comments.

SUMMARY: The United States Mint invites the general public and other Federal agencies to take this opportunity to comment on currently approved information collection 1525–0012, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). The United States Mint, a bureau of the Department of the Treasury, is soliciting comments on the United States Mint customer satisfaction and opinion surveys and focus group interviews.

DATES: Written comments should be received on or before May 19, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvonne Pollard; Compliance Branch; United States Mint; 801 9th Street NW., 6th Floor; Washington, DC 20220; (202) 354–6784 (this is not a toll-free number); *YPollard@usmint.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection package should be directed to Yvonne Pollard; Compliance Branch; United States Mint; 801 9th Street NW., 6th Floor; Washington, DC 20220; (202) 354–6784 (this is not a toll-free number); *YPollard@usmint.treas.gov.*

SUPPLEMENTARY INFORMATION:

Title: United States Mint Customer Satisfaction and Opinion Surveys and Focus Group Interviews

OMB Number: 1525–0012

Abstract: The proposed customer satisfaction and opinion surveys or focus group interviews will allow the United States Mint to assess the acceptance of potential demand for, and barriers to, acceptance/increased demand for current and future United States Mint products, and the needs and desires of customers for more efficient, economical services.

Current Actions: The United States Mint conducts customer satisfaction surveys, focus groups, and interviews to measure customer opinion and assess acceptance of, potential demand for, and barriers to acceptance of United States Mint products, and to determine the level of satisfaction of United States Mint customers and the public.

Type of Review: Renewal of a currently approved information collection.

Affected Public: The affected public includes serious and casual numismatic collectors, dealers and persons in the numismatic business, and the general public.

Estimated Number of Respondents: The estimated number of annual respondents is 60,145.

Estimated Total Annual Burden Hours: The estimated number of annual burden hours is 12,603.

Requests for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility, (b) the accuracy of the agency's estimate of the burden of the collection of information, (c) ways to enhance the quality, utility, and clarity of the information to be collected, (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology, and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 12, 2014.

Richard A. Peterson,

Deputy Director, United State Mint.

[FR Doc. 2014–05979 Filed 3–17–14; 8:45 am]

BILLING CODE 4810–37–P

DEPARTMENT OF THE TREASURY

United States Mint

New Information Collection Request for a New OMB Control Number: Comment Request for Quantitative Public Opinion Research for Circulating Coins—Surveys and Focus Group Interviews

AGENCY: United States Mint, Treasury.

ACTION: Notice and request for comments.

SUMMARY: Pursuant to the Coin Modernization, Oversight, and Continuity Act of 2010 (Pub. L. 111–302), the United States Mint invites the general public and other Federal agencies to take this opportunity to comment on its intention to use opinion surveys and focus group interviews to solicit the public's views on the nation's circulating coins. The intent is to survey the general public on topics including, but not limited to, the following: The one-cent coin (penny), characteristics of potential alternative metals for use in coin production, and consumer behavior with the use of coins. This request for comment is required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U. S. C. 3506 (c)(2)(A)).

DATES: Written comments should be received on or before May 19, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvonne Pollard; Compliance Branch; United States Mint; 801 9th Street, NW., 6th Floor; Washington, DC 20220; (202) 354–6784 (this is not a toll-free number); *YPollard@usmint.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection package should be directed to the Office of Coin Studies; United States Mint; 801 9th Street NW., 6th Floor; Washington, DC 20220; (202) 354–6600 (this is not a toll-free number); *OfficeofCoinStudies@usmint.treas.gov.*

SUPPLEMENTARY INFORMATION:

Title: United States Mint Quantitative Public Opinion Research for Circulating Coins—Surveys and Focus Group Interviews

OMB Number: 1525–NEW

Abstract: Under the Coin Modernization, Oversight, and Continuity Act of 2010, in conducting research and development on circulating coins, the proposed public opinion surveys and focus group interviews will allow the United States Mint to understand the public perception of potential changes to the characteristics of circulating coins due to alternative metal compositions and understand consumer behavior and their actions regarding the use of coins, especially the penny.

Current Actions: The United States Mint will conduct surveys and focus groups interviews to solicit public opinion for the penny, alternative metals use in coin production, and consumer behavior with the use of coins.

Type of Review: New information collection request for new OMB control number.

Affected Public: General public.

Estimated Number of Respondents: The estimated number of annual respondents is 3000.

Estimated Total Annual Burden Hours: The estimated number of annual burden hours is 750.

Requests for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility, (b) the accuracy of the agency's estimate of the burden of the collection of information, (c) ways to enhance the quality, utility, and clarity of the information to be collected, (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology, and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 12, 2014.

Richard A. Peterson,

Deputy Director, United States Mint.

[FR Doc. 2014–05980 Filed 3–17–14; 8:45 am]

BILLING CODE 4810–37–P

DEPARTMENT OF THE TREASURY

United States Mint

Renewal of Currently Approved Information Collection: Comment Request for Application for Intellectual Property Use Form

AGENCY: United States Mint, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The United States Mint invites the general public and other Federal agencies to take this opportunity to comment on currently approved information collection 1525–0013, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). The United States Mint, a bureau of the Department of the Treasury, is soliciting comments on the United States Mint Application for Intellectual Property Use form.

DATES: Written comments should be received on or before May 19, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvonne Pollard; Compliance Branch;, United States Mint; 801 9th Street, NW., 6th Floor; Washington, DC 20220; (202) 354–6784 (this is not a toll-free number); *YPollard@usmint.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the information collection package should be directed to Yvonne Pollard; Compliance Branch; United States Mint; 801 9th Street, NW., 5th Floor; Washington, DC 20220; (202) 354–6784 (this is not a toll-free number); YPollard@usmint.treas.gov.

SUPPLEMENTARY INFORMATION:

Title: Application for Intellectual Property Use Form.

OMB Number: 1525–0013

Abstract: The application form allows individuals and entities to apply for permissions and licenses to use United States Mint owned or controlled intellectual property.

Current Actions: The United States Mint reviews and assesses permission requests and applications for United States Mint intellectual property licenses.

Type of Review: Renewal of a currently approved information collection.

Affected Public: Businesses or other-for-profit; not-for-profit institutions; State, Local, or Tribal Government; and individuals or households.

Estimated Number of Respondents: The estimated number of annual respondents is 113.

Estimated Total Annual Burden Hours: The estimated number of annual burden hours is 84.

Requests For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility, (b) the accuracy of the agency's estimate of the burden of the collection of information, (c) ways to enhance the quality, utility, and clarity of the information to be collected, (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology, and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 12, 2014.

Richard A. Peterson,

Deputy Director, United States Mint.

[FR Doc. 2014–05977 Filed 3–17–14; 8:45 am]

BILLING CODE 4810–37–P

DEPARTMENT OF VETERANS AFFAIRS

Genomic Medicine Program Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Genomic Medicine Program Advisory Committee will meet on April 18, 2014, at the American Association of Airport Executives Conference Center, at 601 Madison Street in Alexandria, Virginia. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. The meeting is open to the public.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on using genetic information to optimize medical care for Veterans and to enhance development of tests and treatments for diseases particularly relevant to Veterans.

The Committee will receive program updates and continue to provide insight into optimal ways for VA to incorporate genomic information into its health care program, while applying appropriate ethical oversight and protecting the privacy of Veterans. The meeting will focus on developing infrastructure and guidelines for genotyping and phenotyping, and translation of genomics into the clinic. The Committee will also receive an update on the status of the ongoing Million Veteran Program and the Clinical Genomics Service. The Committee will receive public comments at 3:30 p.m. Public comments will not exceed 5 minutes each. Individuals who wish to speak may submit a 1–2 page summary of their comments for inclusion in the official meeting record to Dr. Sumitra Muralidhar, Designated Federal Officer, 810 Vermont Avenue NW., Washington, DC 20420, or by email at *sumitra.muralidhar@va.gov*. Any member of the public seeking additional information should contact Dr. Muralidhar at (202) 443–5679.

Dated: March 13, 2014.

Rebecca Schiller,

Committee Management Officer.

[FR Doc. 2014–05901 Filed 3–17–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Tuesday,

No. 52 March 18, 2014

Part II

The President

Memorandum of March 13, 2014—Updating and Modernizing Overtime Regulations

Federal Register
Vol. 79, No. 52
Tuesday, March 18, 2014

Presidential Documents

Title 3—

The President

Memorandum of March 13, 2014

Updating and Modernizing Overtime Regulations

Memorandum for the Secretary of Labor

The Fair Labor Standards Act (the ''Act''), 29 U.S.C. 201 *et seq.,* provides basic rights and wage protections for American workers, including Federal minimum wage and overtime requirements. Most workers covered under the Act must receive overtime pay of at least 1.5 times their regular pay rate for hours worked in excess of 40 hours per week.

However, regulations regarding exemptions from the Act's overtime requirement, particularly for executive, administrative, and professional employees (often referred to as ''white collar'' exemptions) have not kept up with our modern economy. Because these regulations are outdated, millions of Americans lack the protections of overtime and even the right to the minimum wage.

Therefore, I hereby direct you to propose revisions to modernize and streamline the existing overtime regulations. In doing so, you shall consider how the regulations could be revised to update existing protections consistent with the intent of the Act; address the changing nature of the workplace; and simplify the regulations to make them easier for both workers and businesses to understand and apply.

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

Nothing in this memorandum shall be construed to impair or otherwise affect the authority granted by law to a department or agency, or the head thereof.

You are hereby authorized and directed to publish this memorandum in the *Federal Register.*

THE WHITE HOUSE,
Washington, March 13, 2014.

[FR Doc. 2014–06138
Filed 3–17–14; 11:15 am]
Billing code 4510–23

FEDERAL REGISTER

Vol. 79 Tuesday,

No. 52 March 18, 2014

Part III

Department of Agriculture

Food and Nutrition Service

7 CFR Part 246

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages; Correction; Final Rule

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

[FNS–2006–0037]

RIN 0584–AD77

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages

Correction

In rule document 2014–04105, appearing on pages 12273–12300 in the issue of Tuesday, March 4, 2014, make the following correction:

§ 246.10 [Corrected]

■ Table 3, appearing on pages 12295–12296, in § 246.10(e)(11), is corrected to read as follows:

TABLE 3—MAXIMUM MONTHLY ALLOWANCES (MMA) OF SUPPLEMENTAL FOODS FOR CHILDREN AND WOMEN WITH QUALIFYING CONDITIONS IN FOOD PACKAGE III

Foods [1]	Children		Women	
	1 Through 4 years	Pregnant and partially breastfeeding (up to 1 year postpartum) [2]	Postpartum (up to 6 months postpartum) [3]	Fully breastfeeding, (up to 1 year post-partum)[4]
Juice, single strength.[6]	128 fl oz	144 fl oz	96 fl oz	144 fl oz.
WIC Formula.[7 8]	455 fl oz liquid concentrate	455 fl oz liquid concentrate	455 fl oz liquid concentrate	455 fl oz liquid concentrate.
Milk	16 qt [9 10 11 12 13]	22 qt [9 10 11 12 14]	16 qt [9 10 11 12 14]	24 qt [9 10 11 12 14]
Breakfast cereal [15 16]	36 oz	36 oz	36 oz	36 oz.
Cheese	N/A	N/A	N/A	1 lb.
Eggs	1 dozen	1 dozen	1 dozen	2 dozen.
Fruits and vegetables.[17 18 19]	$8.00 in cash-value vouchers.	$10.00 in cash-value vouchers.	$10.00 in cash- value vouchers.	$10.00 in cash- value vouchers.
Whole wheat or whole grain bread.[20]	2 lb	1 lb	N/A	1 lb.
Fish (canned)	N/A	N/A	N/A	30 oz.
Legumes, dry [21] *and/or* Peanut butter.	1 lb Or 18 oz	1 lb And 18 oz	1 lb Or 18 oz	1 lb And 18 oz

Table 3 Footnotes: N/A = the supplemental food is not authorized in the corresponding food package.

[1] Table 4 of paragraph (e)(12) of this section describes the minimum requirements and specifications for the supplemental foods. The competent professional authority (CPA), as established by State agency policy, is authorized to determine nutritional risk and prescribe supplemental foods per medical documentation.

[2] This food package is issued to two categories of WIC participants: Women participants with singleton pregnancies and breastfeeding women whose partially (mostly) breastfed infants receive formula from the WIC Program in amounts that do not exceed the maximum formula allowances as appropriate for the age of the infant as described in Table 1 of paragraph (e)(9) of this section.

[3] This food package is issued to two categories of WIC participants: Non-breastfeeding postpartum women and breastfeeding postpartum women whose breastfed infants receive more than the maximum infant formula allowances as appropriate for the age of the infant as described in Table 1 of paragraph (e)(9) of this section.

[4] This food package is issued to four categories of WIC participants: Fully breastfeeding women whose infants do not receive formula from the WIC Program; women pregnant with two or more fetuses; women partially (mostly) breastfeeding multiple infants from the same pregnancy, and pregnant women who are also partially (mostly) breastfeeding singleton infants.

[5] Women fully breastfeeding multiple infants from the same pregnancy are prescribed 1.5 times the maximum allowances.

[6] Combinations of single-strength and concentrated juices may be issued provided that the total volume does not exceed the maximum monthly allowance for single-strength juice.

[7] WIC formula means infant formula, exempt infant formula, or WIC-eligible nutritionals.

[8] Powder and ready-to-feed may be substituted at rates that provide comparable nutritive value.

[9] Whole milk is the standard milk for issuance to 1-year-old children (12 through 23 months). Fat-reduced milks may be issued to 1-year old children as determined appropriate by the health care provider per medical documentation. Lowfat (1%) or nonfat milks are the standard milks for issuance for children ≥ 24 months of age and women. Whole milk or reduced fat (2%) milk may be substituted for lowfat (1%) or nonfat milk for children > 24 months of age and women as determined appropriate by the health care provider per medical documentation.

[10] Evaporated milk may be substituted at the rate of 16 fluid ounces of evaporated milk per 32 fluid ounces of fluid milk or a 1:2 fluid ounce substitution ratio. Dry milk may be substituted at an equal reconstituted rate to fluid milk.

[11] For children and women, cheese may be substituted for milk at the rate of 1 pound of cheese per 3 quarts of milk. For children and women in the pregnant, partially breastfeeding and postpartum food packages, no more than 1 pound of cheese may be substituted. For women in the fully breastfeeding food package, no more than 2 pounds of cheese may be substituted for milk. State agencies do not have the option to issue additional amounts of cheese beyond these maximums even with medical documentation. (No more than a total of 4 quarts of milk may be substituted for a combination of cheese, yogurt or tofu for children and women in the pregnant, partially breastfeeding and postpartum food packages. No more than a total of 6 quarts of milk may be substituted for a combination of cheese, yogurt or tofu for women in the fully breastfeeding food package.)

[12] For children and women, yogurt may be substituted for fluid milk at the rate of 1 quart of yogurt per 1 quart of milk; a maximum of 1 quart of milk can be substituted. Additional amounts of yogurt are not authorized. Whole yogurt is the standard yogurt for issuance to 1-year-old children (12 through 23 months). Lowfat or nonfat yogurt may be issued to 1-year-old children (12 months to 23 months) as determined appropriate by the health care provider per medical documentation. Lowfat or nonfat yogurts are the standard yogurt for issuance to children ≥ 24 months of age and women. Whole yogurt may be substituted for lowfat or nonfat yogurt for children > 24 months of age and women as determined appropriate by the health care provider per medical documentation. (No more than a total of 4 quarts of milk may be substituted for a combination of cheese, yogurt or tofu for children and women in the pregnant, partially breastfeeding and postpartum food packages. No more than a total of 6 quarts of milk may be substituted for a combination of cheese, yogurt or tofu for women in the fully breastfeeding food package.)

[13] For children, soy-based beverage and tofu may be substituted for milk as determined appropriate by the health care provider per medical documentation. Soy-based beverage may be substituted for milk on a quart for quart basis up to the total maximum allowance of milk. Tofu may be substituted for milk for children at the rate of 1 pound of tofu per 1 quart of milk. (No more than a total of 4 quarts of milk may be substituted for a combination of cheese, yogurt or tofu for children.) Additional amounts of tofu may be substituted, up to the maximum allowance for fluid milk for children, as determined appropriate by the health care provider per medical documentation.

[14] For women, soy-based beverage may be substituted for milk on a quart for quart basis up to the total maximum monthly allowance of milk. Tofu may be substituted for milk at the rate of 1 pound of tofu per 1 quart of milk. (No more than a total of 4 quarts of milk may be substituted for a combination of cheese, yogurt or tofu for women in the pregnant, partially breastfeeding and postpartum food packages. No more than a total of 6 quarts of milk may be substituted for a combination of cheese, yogurt or tofu for women in the fully breastfeeding food package.) Additional amounts of tofu may be substituted, up to the maximum allowances for fluid milk, as determined appropriate by the health care provider per medical documentation.

[15] 32 dry ounces of infant cereal may be substituted for 36 ounces of breakfast cereal as determined appropriate by the health care provider per medical documentation..

[16] At least one half of the total number of breakfast cereals on the State agency's authorized food list must have whole grain as the primary ingredient and meet labeling requirements for making a health claim as a ''whole grain food with moderate fat content'' as defined in Table 4 of paragraph (e)(12) of this section.

[17] Both fresh fruits and fresh vegetables must be authorized by State agencies. Processed fruits and vegetables, i.e., canned (shelf-stable), frozen, and/or dried fruits and vegetables may also be authorized to offer a wider variety and choice for participants. State agencies may choose to authorize one or more of the following processed fruits and vegetables: Canned fruit, canned vegetables, frozen fruit, frozen vegetables, dried fruit, and/or dried vegetables. The cash-value voucher may be redeemed for any eligible fruit and vegetable (refer to Table 4 of paragraph (e)(12) of this section and its footnotes). Except as authorized in paragraph (b)(1)(i) of this section, State agencies may not selectively choose which fruits and vegetables are available to participants. For example, if a State agency chooses to offer dried fruits, it must authorize all WIC-eligible dried fruits.

[18] Children and women whose special dietary needs require the use of pureed foods may receive commercial jarred infant food fruits and vegetables in lieu of the cash-value voucher. Children may receive 128 oz. of commercial jarred infant food fruits and vegetables and women may receive 160 oz. of commercial jarred infant food fruits and vegetables in lieu of the cash-value voucher. Infant food fruits and vegetables may be substituted for the cash-value voucher as determined appropriate by the health care provider per medical documentation.

[19] The monthly value of the fruit/vegetable cash-value vouchers will be adjusted annually for inflation as described in § 246.16(j).

[20] Whole wheat and/or whole grain bread must be authorized. State agencies have the option to also authorize brown rice, bulgur, oatmeal, whole-grain barley, whole wheat macaroni products, or soft corn or whole wheat tortillas on an equal weight basis.

[21] Canned legumes may be substituted for dry legumes at the rate of 64 oz. (e.g., four 16-oz cans) of canned beans for 1 pound dry beans. In Food Packages V and VII, both beans and peanut butter must be provided. However, when individually tailoring Food Packages V or VII for nutritional reasons (e.g., food allergy, underweight, participant preference), State agencies have the option to authorize the following substitutions: 1 pound dry and 64 oz. canned beans/peas (and no peanut butter); or 2 pounds dry or 128 oz. canned beans/peas (and no peanut butter); or 36 oz. peanut butter (and no beans).

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