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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0216; Directorate Identifier 2013–SW–045–AD; Amendment 39–17818; AD 2014–07–04]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Sikorsky Model S–92A helicopters. This AD requires, initially and each time the clamps are removed, inspecting for chafing between the electrical wires and the hydraulic lines and, if there is chafing between the wires or lines, before further flight, replacing the unairworthy wires or lines with airworthy wires or lines. Also, this AD requires inspecting each clamp for correct installation, and if a clamp is incorrectly installed or missing, before further flight, correctly installing the clamps. This AD is prompted by chafing between high voltage electrical wiring and hydraulic lines that led to two fires in the top deck of the helicopter, which does not have fire detection nor extinguishing capability. The actions specified by this AD are intended to detect any chafing between the electrical wires and the hydraulic lines that could result in a fire and subsequent loss of control of the helicopter.

DATES: This AD becomes effective May 1, 2014.

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

We must receive comments on this AD by June 16, 2014.

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

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

Examining the AD Docket

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

For service information identified in this AD, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email *sikorskywcs@sikorsky.com.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Caspar Wang, Aviation Safety Engineer, Boston Aircraft Certification Office, Engine & Propeller Directorate, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238–7799; email *caspar.wang@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Discussion

We are adopting a new AD for Sikorsky Model S–92A helicopters. This AD requires, initially and each time the clamps are removed, inspecting for chafing between the electrical wires and the hydraulic lines and, if there is chafing between the wires and lines, before further flight, replacing the unairworthy wires or lines with airworthy wires or lines. Also, this AD requires inspecting each clamp for correct installation, and if a clamp is incorrectly installed or missing, before further flight, correctly installing the clamps.

This AD is prompted by chafing between high voltage electrical wires and hydraulic lines that led to two fires in the top deck of the helicopter, which does not have fire detection nor extinguishing capability. The chafing occurred because of improper clamp installation after maintenance was performed in the top deck. A redesign eliminated the need for clamping in newer Model S–92A helicopters. However, because of the high volume of maintenance performed in the area where the fire occurred immediately following maintenance involving

removing and installing the clamps, more detailed instructions are necessary for correct installation of the clamps in the older model helicopters. The actions specified by this AD are intended to detect any chafing between the electrical wires and the hydraulic lines that could result in a fire and subsequent loss of control of the helicopter.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other helicopters of the same type design.

Related Service Information

Sikorsky has issued Alert Service Bulletin No. 92–20–001, dated October 27, 2005 (ASB) to specify a one-time installation of clamps to provide additional clearance between the electrical harnesses on the upper deck and the hydraulic lines.

AD Requirements

This AD requires:

- Within 5 hours time-in-service (TIS), inspecting the electrical wires and the hydraulic lines in the affected area for evidence of chafing. If there is chafing between electrical wires and the hydraulic lines, this AD requires, before further flight, replacing unairworthy wires or lines with airworthy wires or lines.
- Within 5 hours TIS, inspecting each clamp for correct installation. If clamps are incorrectly installed or missing, before further flight, install clamps by following the Accomplishment Instructions of the ASB.
- After each maintenance that requires removing clamps, this AD requires repeating the previous inspections.

Differences Between This AD and the Service Information

The service information specifies a one-time installation of the clamps between the electrical harnesses on the upper deck and the hydraulic lines within 30 days. This AD requires, within 5 hours TIS, inspecting each clamp for correct installation, and within 5 hours TIS and after each maintenance that requires removing clamps, inspecting the electrical wires and the hydraulic lines for chafing. This AD applies to S/N 920006 through 920084, and the service bulletin applies to S/N 920006 through 920022.

Interim Action

We consider this AD interim action. The design approval holder is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this AD will affect 20 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work hour. An initial inspection of the clamps will take .5 work hour. Inspecting and reclamping will take 2 work hours at a parts cost of $25 per helicopter. Inspecting and replacing the electrical wires will take 2 work hours at a parts cost of $7,500 per helicopter. Inspecting and replacing the hydraulic lines will take 3 work hours at a parts cost of $500 per helicopter. Based on these estimates, the total cost per helicopter is $8,663, and the total cost of compliance for the U.S. fleet is $173,250, assuming the clamps, electrical wires, and hydraulic lines are replaced.

According to Sikorsky's service information, the costs of this AD may be covered under warranty thereby reducing the cost impact on affected individuals. We do not control warranty coverage by Sikorsky. Accordingly, we have included all costs in our cost estimate.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments before adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment before adopting this rule because the required corrective actions must be done within 5 hours TIS, a very short time period based on the average flight-hour utilization rate of these helicopters.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–07–04 Sikorsky Aircraft Corporation: Amendment 39–17818; Docket No. FAA–2014–0216; Directorate Identifier 2013–SW–045–AD.

(a) Applicability

This AD applies to Model S–92A helicopters, serial numbers 92006 through 920084, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as an installation that does not provide adequate clearance to prevent chafing between the high voltage electrical wires and hydraulic lines. This condition could result in fire and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective May 1, 2014.

(d) Compliance

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

(e) Required Actions

(1) Within 5 hours time-in-service, inspect the electrical wires and the hydraulic lines in the upper deck of the helicopter for chafing between electrical wires and hydraulic lines. If there is chafing between electrical wires and hydraulic lines, before further flight, replace the unairworthy wires or lines with airworthy wires or lines.

(2) Within 5 hours TIS, inspect each clamp for correct installation as shown in Figures 1 through 14 of Sikorsky Aircraft Corporation Alert Service Bulletin No. 92–20–001, dated October 27, 2005 (ASB). If clamps are incorrectly installed or missing, before further flight, install clamps by following the Accomplishment Instructions, paragraph 3.A.(4) through 3.A.(17) of the ASB.

(3) After each maintenance that requires removing clamps, comply with paragraphs (e)(1) and (e)(2) of this AD.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston Aircraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Caspar Wang, Aviation Safety Engineer, Boston Aircraft Certification Office, Engine & Propeller Directorate, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238–7799; email *caspar.wang@faa.gov.*

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

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2910 Main Hydraulic System.

(i) Material Incorporated by Reference

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

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

(i) Sikorsky Aircraft Corporation Alert Service Bulletin No. 92–20–001, dated October 27, 2005.

(ii) Reserved.

(3) For Sikorsky Aircraft Corporation service information identified in this AD, contact Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email *sikorskywcs@sikorsky.com.*

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

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

Issued in Fort Worth, Texas, on March 28, 2014.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2014–07672 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–1069; Directorate Identifier 2013–NM–197–AD; Amendment 39–17827; AD 2014–08–03]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by a determination that for certain slat system failure cases, the resulting slat skew could lead to failure of the slat system. This AD requires replacing certain locking plates with certain anti-migration assemblies on certain left and right wing slats. We are issuing this AD to prevent failure of the eccentric pins at the slat track attachment, and slat panels consequently disconnecting from the wing, leading to the loss of the airplane.

DATES: This AD becomes effective May 21, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 21, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-1069;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

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

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The NPRM published in the **Federal Register** on January 2, 2014 (79 FR 70).

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, has issued Canadian Airworthiness Directive CF–2013–31, dated October 8, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition. The MCAI states:

> It was discovered that for certain slat system jam-disconnect failure cases, the resulting slat skew could lead to failure of the eccentric pin at the slat track 3–3 attachment. If the pin migrates out of the attachment lugs, this could cause the No. 3 slat panels to disconnect from the wing and could lead to the loss of the aeroplane.
>
> This [Canadian] AD mandates the replacement of the locking plate with an anti-migration assembly on both the left and right No. 3 slats.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-1069-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 70, January 2, 2014) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 70, January 2, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 70, January 2, 2014).

Costs of Compliance

We estimate that this AD affects 401 airplanes of U.S. registry.

We also estimate that it will take about 9 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $780 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $619,545, or $1,545 per product.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-1069;* 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 airworthiness directive (AD):

2014–08–03 Bombardier, Inc. Amendment 39–17827. Docket No. FAA–2013–1069; Directorate Identifier 2013–NM–197–AD.

(a) Effective Date

This AD becomes effective May 21, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. airplanes, certificated in any category, identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

(1) Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers 10002 through 10335 inclusive.

(2) Bombardier, Inc. Model CL–600–2D15 (Regional Jet Series 705) airplanes, and Bombardier, Inc. Model CL–600–2D24 (Regional Jet Series 900) airplanes, serial numbers 15001 through 15293 inclusive.

(3) Bombardier, Inc. Model CL–600–2E25 (Regional Jet Series 1000) airplanes, serial numbers 19002 through 19036 inclusive.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that for certain slat system jam-disconnect failure cases, the resulting slat skew could lead to failure of the eccentric pin at the slat track attachment. If the pin migrates out of the attachment lugs, this could cause certain slat panels to disconnect from the wing. We are issuing this AD to prevent failure of the eccentric pins at the slat track attachment, and slat panels consequently disconnecting from the wing, leading to the loss of the airplane.

(f) Compliance

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

(g) Replacement

Within 6,000 flight hours or 30 months, whichever occurs first, after the effective date of this AD: Remove and replace the locking plate having part number (P/N) CC670–12076–1 with an anti-migration assembly having P/N CC670–12370–1, on both the left and right number 3 slats, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–27–066, dated June 10, 2013.

(h) Parts Installation Prohibition

As of the effective date of this AD, no person may install any locking plate having P/N CC670–12076–1 on any airplane.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send tour request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the New York 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, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they were approved by the State of Design Authority (or its delegated agent, or the Design Approval Holder with a State of Design Authority's design organization approval, as applicable). You are required to ensure the product is airworthy before it is returned to service.

(j) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2013–31, dated October 8, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-1069-0002.*

(k) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 670BA–27–066, dated June 10, 2013.

(ii) Reserved.

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

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

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

Issued in Renton, Washington, on April 4, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–08452 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0865; Directorate Identifier 2012–NM–199–AD; Amendment 39–17819; AD 2014–07–05]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes. This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the butt-joints on the forward fuselage above the passenger door are subject to widespread fatigue damage (WFD). This AD requires inspecting the forward fuselage butt-joints for cracking, repairing any crack, and eventually doing a terminating repair. We are issuing this AD to prevent fatigue cracking of such butt-joints, which could result in reduced structural integrity of the airplane and in-flight decompression of the airplane.

DATES: This AD becomes effective May 21, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 21, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0865:* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

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

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes. The NPRM published in the **Federal Register** on October 23, 2013 (78 FR 63132). The NPRM was prompted by an evaluation by the DAH indicating that the butt-joints on the forward fuselage above the passenger door are subject to WFD. The NPRM proposed to require inspecting the forward fuselage butt-joints for cracking, repairing any crack, and eventually doing a terminating repair. We are issuing this AD to prevent fatigue cracking of such butt-joints, which could result in reduced structural integrity of the airplane and in-flight decompression of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0218, dated October 19, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

A report has been received of a crack, detected in a butt-joint on the forward

fuselage of an F28 Mark 0100 aeroplane, above the passenger door. Investigation results revealed that, depending on the configuration of the aeroplane, four butt joints in the forward fuselage can be affected, at stringers 8, 37, 42 and 67 between fuselage stations 3850 and 5305.

This condition, if not detected and corrected, can result in an exponential crack growth rate, possibly leading to failure of the butt-joint over a certain length and consequent in-flight decompression of the aeroplane.

For the reasons described above, this [EASA] AD requires a one-time inspection [low frequency eddy current] of the forward fuselage butt joints for cracks and, depending on findings, accomplishment of a temporary repair [including a detailed inspection for cracks in the butt strap on the inside of the applicable joint, and corrective actions if necessary] and reporting the findings to Fokker Services. In addition, this AD requires a permanent repair/modification [and a detailed inspection for cracks in the butt strap on the inside of the applicable joint, and corrective actions if necessary].

Corrective actions include removing the cracked part of the butt joint and installing an insert, and installing of an external repair strap. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0865-0001*.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 63132, October 23, 2013) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 63132, October 23, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 63132, October 23, 2013).

Costs of Compliance

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

We also estimate that it will take about 127 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $43,180, or $10,795 per product.

In addition, we estimate that any necessary follow-on actions will take about 30 work-hours, for a cost of $2,550 per product. We have no way of determining the number of aircraft that might need these actions.

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0865;* 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:

2014–07–05 Fokker Services B.V.: Amendment 39–17819. Docket No. FAA–2013–0865; Directorate Identifier 2012–NM–199–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective May 21, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F.28 Mark 0070 and 0100 airplanes, certificated in any category, as identified in Fokker Service Bulletin SBF100–53–118, Revision 2, dated October 16, 2012.

(d) Subject

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

(e) Reason

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the butt-joints on the forward fuselage above the passenger door are subject to widespread fatigue damage (WFD). We are issuing this AD to prevent fatigue cracking of such butt-joints, which could result in reduced structural integrity of the airplane and in-flight decompression of the airplane.

(f) Compliance

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

(g) Inspection

Before the accumulation of 35,000 total flight cycles, or within 8 months after the effective date of this AD, whichever occurs later: Do a low frequency eddy current inspection for cracking of the forward fuselage butt-joints, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–118, Revision 2, dated October 16, 2012.

(h) Repair

If any cracking is found during the inspection specified in paragraph (g) of this AD, before further flight, do the actions specified in paragraph (h)(1) or (h)(2) of this AD.

(1) Accomplish a temporary repair, including a detailed inspection for cracks in the butt strap on the inside of the applicable joint, and all applicable corrective actions, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–118, Revision 2, dated October 16, 2012.

(2) Do a terminating repair of the forward fuselage butt-joints, including a detailed inspection for cracks in the butt strap on the inside of the applicable joint, and all applicable corrective actions, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–119, Revision 2, dated May 8, 2013. Accomplishing the terminating repair specified in this paragraph is a method of compliance with the terminating repair required by paragraph (j) of this AD.

(i) Reporting

Submit a report of any crack findings from the inspection specified in paragraph (g) of this AD to Fokker Services, Hoeksteen 40, 2132 MS Hoofddorp, P.O. Box 1357, 2130 EL Hoofddorp, The Netherlands; by using the Reporting Form (figure 14 and figure 15, as applicable) of Fokker Service Bulletin SBF100–53–118, Revision 2, dated October 16, 2012; at the applicable time specified in paragraph (i)(1) or (i)(2) of this AD.

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

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

(j) Terminating Repair

Before the accumulation 50,000 total flight cycles, or within 8 months after the effective date of this AD, whichever occurs later: Do the terminating repair of the forward fuselage butt-joints, including a detailed inspection for cracks in the butt strap on the inside of the applicable joint, and all applicable corrective actions, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–119, Revision 2, dated May 8, 2013. Do all applicable corrective actions before further flight.

(k) Credit for Previous Actions

(1) This paragraph provides credit for applicable actions required by paragraphs (g) and (h)(1) of this AD, if those actions were performed before the effective date of this AD using the service bulletins specified in paragraph (k)(1)(i) or (k)(1)(ii) of this AD, which are not incorporated by reference in this AD.

(i) Fokker Service Bulletin SBF100–53–118, dated April 10, 2012.

(ii) Fokker Service Bulletin SBF100–53–118, Revision 1, dated July 6, 2012.

(2) This paragraph provides credit for actions required by paragraphs (h)(2) and (j) of this AD, if those actions were performed before the effective date of this AD using the service bulletins specified in paragraph (k)(2)(i) or (k)(2)(ii) of this AD, which are not incorporated by reference in this AD.

(i) Fokker Service Bulletin SBF100–53–119, dated June 20, 2012.

(ii) Fokker Service Bulletin SBF100–53–119, Revision 1, dated October 30, 2012.

(l) Compliance Time Provisions

No alternative compliance times may be used for the modification required by paragraph (j) of this AD, unless extensive new data are provided and the compliance time is approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (m) of this AD.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2012–0218, dated October 19, 2012, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0865-0001*.

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

(o) Material Incorporated by Reference

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

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

(i) Fokker Service Bulletin SBF100–53–118, Revision 2, dated October 16, 2012.

(ii) Fokker Service Bulletin SBF100–53–119, Revision 2, dated May 8, 2013.

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

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

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

Issued in Renton, Washington, on March 28, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–07821 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0668; Directorate Identifier 2013–NM–017–AD; Amendment 39–17826; AD 2014–08–02]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A300 B4–600 and A300 B4–600R series airplanes. This AD was prompted by reports of cracks found in certain bottom wing skin stringers during full-scale fatigue testing and in service. This AD requires modifying the profile of stringer run-outs of both wings, including a high frequency eddy current inspection of the fastener holes for defects and, if necessary, repairs. We are issuing this AD to prevent cracking in the bottom wing skin stringers, which could result in reduced structural integrity of the wings.

DATES: This AD becomes effective May 21, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 21, 2014.

ADDRESSES: You may examine the AD on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-0668*; or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A300 B4–600 and A300 B4–600R series airplanes. The NPRM published in the **Federal Register** on August 1, 2013 (78 FR 46536). The NPRM was prompted by reports of cracks found in the bottom wing skin stringers at rib 14 during full-scale fatigue testing and in service. The NPRM proposed to require modifying the profile of stringer run-outs at rib 14 of both wings, including a high frequency eddy current inspection of the fastener holes for defects and repairs if necessary. We are issuing this AD to prevent cracking in the bottom wing skin stringers, which could result in reduced structural integrity of the wings.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0008R1, dated January 22, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> During full-scale fatigue testing, cracks were detected in the bottom wing skin stringers at rib 14. In addition, A300 aeroplane operators have also reported finding cracks in the same area.
>
> This condition, if not detected and corrected, could impair the structural integrity of the wings.
>
> Additional analysis results showed that the improved design of the stringer run-out is necessary for aeroplanes operating beyond the ESG 1 [extended service goal 1: 42,500 flight cycles].
>
> For the reasons described above, this [EASA] AD requires the removal of the stringer end run-out plate at stringer 19 on the bottom wing skin and the re-profiling modification of the stringers 10, 11, 12, 17 and 19.
>
> * * * * *
>
> The modification also includes doing a high frequency eddy current inspection of the fastener holes for defects and, if necessary, repairs. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0668-0002*.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM (78 FR 46536, August 1, 2013) and the FAA's response to the comment.

Request To Refer to New Service Information

UPS requested that the source of work instructions for accomplishing the proposed actions be revised to Airbus Mandatory Service Bulletin A300–57–6046, Revision 02, dated June 21, 2013. UPS noted that the NPRM (78 FR 46536, August 1, 2013) referenced Airbus Mandatory Service Bulletin A300–57–6046, Revision 01, dated April 18, 2011, as the source of work instructions.

We agree. We have revised paragraph (g) of this final rule to refer to Airbus Mandatory Service Bulletin A300–57–6046, Revision 02, dated June 21, 2013, instead. We have revised paragraph (i) of this AD to also identify Airbus Mandatory Service Bulletin A300–57–6046, Revision 01, dated April 18, 2011, as an acceptable source of instructions if those actions are accomplished before the effective date of this AD.

Additional Change

We have revised paragraph (g) of this final rule to clarify when the applicable repairs are required to be done.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (78 FR 46536, August 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 46536, August 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 29 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 of the profile of stringer run-outs.	60 work-hours × $85 per hour = $5,100.	None	$5,100	$147,900

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

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this 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-2013-0668-0002*; 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 MCAI, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–08–02 Airbus: Amendment 39–17826. Docket No. FAA–2013–0668; Directorate Identifier 2013–NM–017–AD.

(a) Effective Date

This AD becomes effective May 21, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes; and Airbus Model A300 B4–605R and B4–622R airplanes; certificated in any category, except airplanes on which Airbus Modification 10324 or 10325 has been embodied in production.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracks found in the bottom wing skin stringers at rib 14 during full-scale fatigue testing and in service. We are issuing this AD to prevent cracking in the bottom wing skin stringers, which could result in reduced structural integrity of the wings.

(f) Compliance

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

(g) Modification of Rib 14

Before the accumulation of 42,500 total flight cycles, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later, modify the profile of stringer run-outs at rib 14 of both wings, including a high frequency eddy current inspection of the fastener holes for defects and all applicable repairs, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–6046, Revision 02, dated June 21, 2013, except as required by paragraph (h) of this AD. Do all applicable repairs before further flight.

(h) Exception to the Service Information

Where Airbus Mandatory Service Bulletin A300–57–6046, Revision 02, dated June 21, 2013, specifies to contact Airbus for repair instructions, this AD requires contacting the Manager, ANM–116, International Branch, Transport Airplane Directorate, FAA, or the European Aviation Safety Agency (EASA) (or its delegated agent) for repair instructions and doing those repairs before further flight.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–57–6046, dated January 18, 1994; or Airbus Mandatory Service Bulletin A300–57–6046, Revision 01, dated April 18, 2011 (which are not incorporated by reference in this AD).

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149. Information may be emailed to: *9-*

ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/ certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer 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.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0008R1, dated January 22, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0668-0002.*

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

(l) Material Incorporated by Reference

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

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

(i) Airbus Mandatory Service Bulletin A300–57–6046, Revision 02, dated June 21, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(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 April 2, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–08455 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 140331295–4324–01]

RIN 0694–AG14

Addition of Person to the Entity List

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations (EAR) by adding one person under two entries to the Entity List. The person who is added to the Entity List has been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States. This person will be listed on the Entity List under the destination of Crimea (Occupied) with a cross reference added under Ukraine.

DATES: *Effective Date:* This rule is effective April 16, 2014.

FOR FURTHER INFORMATION CONTACT: Karen Nies-Vogel, Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Fax: (202) 482–3911, Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Entity List (Supplement No. 4 to Part 744) notifies the public about entities that have engaged in activities that could result in an increased risk of the diversion of exported, reexported or transferred (in-country) items to weapons of mass destruction (WMD) programs. Since its initial publication, grounds for inclusion on the Entity List have expanded to include activities sanctioned by the State Department and activities contrary to U.S. national security or foreign policy interests, including terrorism and export control violations involving abuse of human rights. Certain exports, reexports, and transfers (in-country) to entities identified on the Entity List require licenses from BIS and are usually subject to a policy of denial. The availability of license exceptions in such transactions is very limited. The license review policy for each entity is identified in the license review policy column on the Entity List and the availability of license exceptions is noted in the **Federal Register** notices adding persons to the Entity List. BIS places entities on the Entity List based on certain sections of part 744 (Control Policy: End-User and End-Use Based) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote. The Departments represented on the ERC approved these changes to the Entity List.

ERC Entity List Decisions

Addition to the Entity List

This rule implements the decision of the ERC to add one person under two entries to the Entity List on the basis of § 744.11 (License requirements that apply to entities acting contrary to the national security or foreign policy interests of the United States) of the EAR. The two entries added to the Entity List consist of one entry in Crimea (Occupied) with an additional entry added to provide a cross reference from Ukraine. The ERC's decision to add 'Crimea (Occupied)' to the Country column of the Entity List results from the U.S. government's decision to use 'Crimea (Occupied)' to describe the purported annexation of Crimea by the Russian Federation.

The ERC reviewed § 744.11(b) (Criteria for revising the Entity List) in making the determination to add this one person under two entities to the Entity List. Under that paragraph, persons for whom there is reasonable cause to believe, based on specific and articulable facts, have been involved, are involved, or pose a significant risk of being or becoming involved in, activities that are contrary to the national security or foreign policy interests of the United States and those acting on behalf of such persons may be added to the Entity List.

The one person under two entries being added to the entity list is a regional oil and gas company in Crimea, Chernomorneftegaz, a.k.a. Chornomornaftogaz and NJSC Chornomornaftogaz, which is a subsidiary of Naftogaz. Chernomorneftegaz, a.k.a. Chornomornaftogaz and NJSC Chornomornaftogaz, has been determined by the ERC to be involved in activities that are contrary to the national security or foreign policy interests of the United States. The U.S. Government has determined that the

Russian Federation's actions—including the recent deployment of Russian Federation military forces in the Crimea area of Ukraine (Occupied Crimea)—are in clear violation of Ukrainian sovereignty and territorial integrity and a breach of international law, including Russia's obligations under the United Nations Charter and under its 1997 military basing agreement with Ukraine. They are also inconsistent with the 1994 Budapest Memorandum, under which, in response to certain commitments by Ukraine, Russia, the United States and the United Kingdom, the signatories consecrated the sovereignty and territorial integrity of Ukraine as an independent state by applying the principles of territorial integrity and nonintervention found in Helsinki Final Act, the accords signed by the Conference on Security and Cooperation in Europe of 1975. The Russian Federation's actions also conflict with the Vienna Document of 1979, as adopted by the members of the Organization for Security and Cooperation in Europe (of which the Russian Federation is a member), which includes a provision for exchange and verification of military information among membership, including but not limited to prior notification of military activities such as major troop exercises.

On March 6, 2014, the President of the United States issued Executive Order 13660 (79 FR 13491), *Blocking Property of Certain Persons Contributing to the Situation in Ukraine,* finding that the actions and policies of persons including persons who have asserted governmental authority in the Crimean region (Occupied Crimea) without the authorization of the Government of Ukraine undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty, and territorial integrity; and contribute to the misappropriation of its assets, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and declaring a national emergency to deal with that threat.

Specifically, Executive Order 13660 blocks all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person (including any foreign branch) of any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be responsible for or complicit in, or to have engaged in, directly or indirectly, misappropriation of state assets of Ukraine or of an economically significant entity in Ukraine, among other activities. In conjunction with the Department of the Treasury's designation of Chernomorneftegaz, a.k.a. Chornomornaftogaz and NJSC Chornomornaftogaz, under Executive Order 13660, the Department of Commerce is imposing a license requirement for exports, reexports and transfers (in-country) to Chernomorneftegaz, a.k.a. Chornomornaftogaz and NJSC Chornomornaftogaz. Imposition of this license requirement implements an appropriate measure within the authority of the EAR to carry out the provisions of Executive Order 13660. The entity being added to the Entity List under this rule, Chernomorneftegaz, a.k.a. Chornomornaftogaz and NJSC Chornomornaftogaz, and its assets, were misappropriated. Pursuant to § 744.11 of the EAR, the ERC determined that the conduct of this person raises sufficient concern that prior review of exports, reexports, or transfers (in-country) of items subject to the EAR involving this person, and the possible imposition of license conditions or license denials on shipments to this person, will enhance BIS's ability to protect the foreign policy and national security interests of the United States.

For the one person under two entries added to the Entity List, the ERC specified a license requirement for all items subject to the EAR and a license review policy of presumption of denial. The license requirements apply to any transaction in which items are to be exported, reexported, or transferred (in-country) to this person or in which this person acts as purchaser, intermediate consignee, ultimate consignee, or end-user. In addition, no license exceptions are available for exports, reexports, or transfers (in-country) to this person being added to the Entity List in this rule.

This final rule adds the following one person under two entries to the Entity List:

Crimea (Occupied)

(1) *Chernomorneftegaz,* a.k.a., the following two aliases:

—Chornomornaftogaz, *and*

—NJSC Chornomornaftogaz.

Kirova/per. Sovnarkomovskaya, 52/1, Simferopol, Crimea, 95000, Ukraine. (See Ukraine)

Ukraine

(1) *Chernomorneftegaz,* a.k.a., the following two aliases:

—Chornomornaftogaz, *and*

—NJSC Chornomornaftogaz.

Kirova/per. Sovnarkomovskaya, 52/1, Simferopol, Crimea, 95000, Ukraine. (See also Crimea (Occupied)).

Savings Clause

Shipments of items removed from eligibility for a License Exception or export or reexport without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export or reexport, on April 16, 2014, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR).

Export Administration Act

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 8, 2013, 78 FR 49107 (August 12, 2013), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which

includes, among other things, license applications and carries a burden estimate of 43.8 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (*See* 5 U.S.C. 553(a)(1)). BIS implements this rule to protect U.S. national security or foreign policy interests by preventing items from being exported, reexported, or transferred (in country) to the persons being added to the Entity List. If this rule were delayed to allow for notice and comment and a delay in effective date, then entities being added to the Entity List by this action would continue to be able to receive items without a license and to conduct activities contrary to the national security or foreign policy interests of the United States. In addition, publishing a proposed rule would give these parties notice of the U.S. Government's intention to place them on the Entity and would create an incentive for these persons to either accelerate receiving items subject to the EAR to conduct activities that are contrary to the national security or foreign policy interests of the United States, and/or to take steps to set up additional aliases, change addresses, and other measures to try to limit the impact of the listing on the Entity List once a final rule was published. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of September 18, 2013, 78 FR 58151 (September 20, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013); Notice of January 21, 2014, 79 FR 3721 (January 22, 2014).

■ 2. Supplement No. 4 to part 744 is amended:

■ a. By adding, in alphabetical order, an entry for Crimea (Occupied); and

■ b. By adding under Ukraine, in alphabetical order, one Ukrainian entity.

The addition reads as follows:

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST

Country	Entity	License requirement	License review policy	**Federal Register** citation
*	*	*	*	*
CRIMEA (OCCUPIED).	*Chernomorneftegaz,* a.k.a., the following two aliases: —Chornomornaftogaz, *and* —NJSC Chornomornaftogaz. Kirova/per. Sovnarkomovskaya, 52/1, Simferopol, Crimea, 95000, Ukraine. (See Ukraine).	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER IN THE **Federal Register**], April 16, 2014.
*	*	*	*	*
UKRAINE	*Chernomorneftegaz,* a.k.a., the following two aliases: —Chornomornaftogaz, *and* —NJSC Chornomornaftogaz. Kirova/per. Sovnarkomovskaya, 52/1, Simferopol, Crimea, 95000, Ukraine. (See also Crimea (Occupied)).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER IN THE **Federal Register**], April 16, 2014.
*	*	*	*	*

Dated: April 11, 2014.

Eric L. Hirschhorn,

Under Secretary of Commerce for Industry and Security (BIS).

[FR Doc. 2014–08701 Filed 4–14–14; 11:15 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–8329]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR Part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR Part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region V				
Illinois:				
LaSalle County, Unincorporated Areas	170400	December 16, 1988, Emerg; September 7, 2001, Reg; May 19, 2014, Susp.	May 19, 2014 ...	May 19, 2014.
Mendota, City of, LaSalle County	170403	November 2, 1974, Emerg; December 4, 1979, Reg; May 19, 2014, Susp.	.....*do	Do.
Indiana:				
French Lick, Town of, Orange County ..	180187	October 21, 1976, Emerg; June 1, 2002, Reg; May 19, 2014, Susp.	.....do	Do.
Orange County, Unincorporated Areas	180480	June 23, 2009, Emerg; April 1, 2011, Reg; May 19, 2014, Susp.	.....do	Do.
Paoli, Town of, Orange County	180189	November 14, 1979, Emerg; N/A, Reg; May 19, 2014, Susp.	.....do	Do.
West Baden Springs, Town of, Orange County.	180190	May 7, 1976, Emerg; N/A, Reg; May 19, 2014, Susp.	.....do	Do.
Minnesota:				
Adrian, City of, Nobles County	270318	May 2, 1974, Emerg; June 1, 1982, Reg; May 19, 2014, Susp.	.....do	Do.
Nobles County, Unincorporated Areas ..	270668	September 19, 1974, Emerg; June 3, 1986, Reg; May 19, 2014, Susp.	.....do	Do.
Worthington, City of, Nobles County	270321	May 28, 1974, Emerg; June 15, 1984, Reg; May 19, 2014, Susp.	.....do	Do.
Ohio:				
Meigs County, Unincorporated Areas ...	390387	February 9, 1977, Emerg; November 16, 1995, Reg; May 19, 2014, Susp.	.....do	Do.
Middleport, Village of, Meigs County	390388	August 28, 1974, Emerg; September 29, 1978, Reg; May 19, 2014, Susp.	.....do	Do.
Pomeroy, Village of, Meigs County	390389	July 24, 1975, Emerg; July 5, 1983, Reg; May 19, 2014, Susp.	.....do	Do.
Racine, Village of, Meigs County	390390	March 31, 1976, Emerg; August 15, 1983, Reg; May 19, 2014, Susp.	.....do	Do.
Rutland, Village of, Meigs County	390670	September 3, 1975, Emerg; November 2, 1990, Reg; May 19, 2014, Susp.	.....do	Do.
Syracuse, Village of, Meigs County	390391	July 2, 1975, Emerg; July 5, 1983, Reg; May 19, 2014, Susp.	.....do	Do.
Wisconsin:				
Beaver Dam, City of, Dodge County	550095	May 16, 1975, Emerg; April 3, 1984, Reg; May 19, 2014, Susp.	.....do	Do.
Columbus, City of, Columbia and Dodge Counties.	550058	October 7, 1974, Emerg; December 1, 1981, Reg; May 19, 2014, Susp.	.....do	Do.
Horicon, City of, Dodge County	550098	July 7, 1975, Emerg; August 15, 1980, Reg; May 19, 2014, Susp.	.....do	Do.
Hustisford, Village of, Dodge County	550557	July 25, 1975, Emerg; August 15, 1980, Reg; May 19, 2014, Susp.	.....do	Do.
Kekoskee, Village of, Dodge County	550101	July 21, 1975, Emerg; September 1, 1986, Reg; May 19, 2014, Susp.	.....do	Do.
Lowell, Village of, Dodge County	550102	N/A, Emerg; January 8, 2013, Reg; May 19, 2014, Susp.	.....do	Do.
Mayville, City of, Dodge County	550103	July 21, 1975, Emerg; June 1, 1981, Reg; May 19, 2014, Susp.	.....do	Do.
Neosho, Village of, Dodge County	550104	June 9, 1975, Emerg; June 15, 1988, Reg; May 19, 2014, Susp.	.....do	Do.
Theresa, Village of, Dodge County	550106	August 21, 1975, Emerg; July 16, 1980, Reg; May 19, 2014, Susp.	.....do	Do.
Watertown, City of, Dodge and Jefferson Counties.	550107	May 23, 1975, Emerg; April 1, 1981, Reg; May 19, 2014, Susp.	.....do	Do.
Waupun, City of, Dodge and Fond du Lac Counties.	550108	January 21, 1975, Emerg; August 15, 1984, Reg; May 19, 2014, Susp.	.....do	Do.
Region VI				
Louisiana:				
Blanchard, Town of, Caddo Parish	220315	N/A, Emerg; January 23, 2012, Reg; May 19, 2014, Susp.	.....do	Do.
Caddo Parish, Unincorporated Areas ...	220361	November 9, 1979, Emerg; September 5, 1990, Reg; May 19, 2014, Susp.	.....do	Do.
Greenwood, Town of, Caddo Parish	220292	October 14, 1991, Emerg; August 3, 1998, Reg; May 19, 2014, Susp.	.....do	Do.
Ida, Village of, Caddo Parish	220276	N/A, Emerg; February 29, 2012, Reg; May 19, 2014, Susp.	.....do	Do.
Rodessa, Village of, Caddo Parish	220308	November 11, 1976, Emerg; August 26, 1977, Reg; May 19, 2014, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Shreveport, City of, Caddo Parish	220036	May 10, 1973, Emerg; January 18, 1984, Reg; May 19, 2014, Susp.	.....do	Do.
Region VII				
Iowa:				
Brooklyn, City of, Poweshiek County	190495	May 4, 1976, Emerg; July 17, 1986, Reg; May 19, 2014, Susp.	.....do	Do.
Malcom, City of, Poweshiek County	190498	October 4, 2010, Emerg; N/A, Reg; May 19, 2014, Susp.	.....do	Do.
Montezuma, City of, Poweshiek County	190622	October 26, 1976, Emerg; June 1, 1988, Reg; May 19, 2014, Susp.	.....do	Do.
Victor, City of, Iowa and Poweshiek Counties.	190426	June 14, 1976, Emerg; August 1, 1986, Reg; May 19, 2014, Susp.	.....do	Do.
Nebraska:				
Douglas County, Unincorporated Areas	310073	November 15, 1974, Emerg; January 16, 1981, Reg; May 19, 2014, Susp.	.....do	Do.
Omaha, City of, Douglas County	315274	November 6, 1970, Emerg; May 7, 1971, Reg; May 19, 2014, Susp.	.....do	Do.
Valley, City of, Douglas County	310078	May 1, 1975, Emerg; March 18, 1980, Reg; May 19, 2014, Susp.	.....do	Do.
Waterloo, City of, Douglas County	310079	February 2, 1976, Emerg; January 14, 1977, Reg; May 19, 2014, Susp.	.....do	Do.

*-do- = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: April 3, 2014.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–08660 Filed 4–15–14; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[MB Docket Nos. 12–107, 11–43; FCC 13–45]

Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's *Report and Order* implementing provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) related to accessible emergency information in video programming and apparatus requirements for emergency information and video description. This notice is consistent with the *Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the requirements.

DATES: The amendments to 47 CFR 79.105(a), 79.105(b)(3), 79.105(b)(4) and revised 79.2(c), published at 78 FR 31770, May 24, 2013, are effective April 16, 2014.

FOR FURTHER INFORMATION CONTACT: For additional information contact Cathy Williams, *Cathy.Williams@fcc.gov <mailto:Cathy.Williams@fcc.gov>,* (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces that, on April 9, 2014, OMB approved the information collection requirements contained in the Commission's *Report and Order,* FCC 13–45, published at 78 FR 31770, May 24, 2013. The OMB Control Number is 3060–0967. The Commission publishes this notice as an announcement of the effective date of the requirements. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–0967, in your correspondence. The Commission will also accept your comments via the Internet if you send them to *PRA@fcc.gov.*

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 and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on April 9, 2014, for the new information collection requirements contained in the Commission's rules at 47 CFR 79.105(a), 79.105(b)(3), 79.105(b)(4), and revised 79.2(c).

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0967.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0967.

OMB Approval Date: April 9, 2014.

OMB Expiration Date: April 30, 2017.

Title: Section 79.2, Accessibility of Programming Providing Emergency Information, and Emergency Information; Section 79.105, Video Description and Emergency Information Accessibility Requirements for All Apparatus; Section 79.106, Video Description and Emergency Information Accessibility Requirements for Recording Devices.

Form No.: Not applicable.

Respondents: Business or other for-profit entities; individuals or households; not-for-profit institutions; and State, local, or tribal Governments.

Number of Respondents and Responses: 640 respondents and 642 responses.

Estimated Time per Response: 0.5 to 5 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Voluntary. The statutory authority for this information collection is contained in the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 124 Stat. 2751, and sections 4(i), 4(j), 303, 330(b), 713, and 716 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303, 330(b), 613, and 617.

Total Annual Burden: 735 hours.

Total Annual Cost: $24,150.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's updated system of records notice (SORN), FCC/CGB–1, ''Informal Complaints and Inquiries,'' which became effective on January 25, 2010. The Commission believes that it provides sufficient safeguards to protect the privacy of individuals who file complaints under 47 CFR 79.2(c).

Privacy Impact Assessment: The Privacy Impact Assessment (PIA) for Informal Complaints and Inquiries was completed on June 28, 2007. It may be reviewed at *http://www.fcc.gov/omd/privacyact/Privacy-Impact-Assessment.html.* The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

Needs and Uses: On April 9, 2013, the Commission released a Report and Order and Further Notice of Proposed Rulemaking, MB Docket Nos. 12–107, 11–43, FCC 13–45 (the Report and Order) adopting rules implementing portions of the Twenty-First Century Communications and Video Accessibility Act of 2010 (the CVAA) related to accessible emergency information, and apparatus requirements for emergency information and video description. These rules are codified at 47 CFR 79.2, 79.105, and 79.106. Pursuant to Section 202 of the CVAA, the Report and Order requires that video programming distributors and video programming providers (including program owners) make emergency information accessible to individuals who are blind or visually impaired by using a secondary audio stream to convey televised emergency information aurally, when such information is conveyed visually during programming other than newscasts. Pursuant to Section 203 of the CVAA, the Report and Order requires certain apparatus that receive, play back, or record video programming to make available video description services and accessible emergency information.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–08570 Filed 4–15–14; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 552

[(Change 57); GSAR Case 2012–G503 Docket No. 2012–0018; Sequence No. 1]

RIN 3090–AJ36

General Services Administration Acquisition Regulation; (GSAR); Industrial Funding Fee (IFF) and Sales Reporting

AGENCIES: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is issuing a final rule amending the General Services Administration Acquisition Regulation (GSAR) to address the use of the Industrial Funding Fee (IFF) collected under the Multiple Award Schedules (MAS) Program. The rule reflects GSA's current use of the Industrial Funding Fee, which includes uses specified in the Acquisition Services Fund, and which extend beyond the purposes currently stated in the GSAR.

DATES: *Effective:* May 16, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Dana Munson, General Services Acquisition Policy Division, GSA, 202–357–9652, or via email at *Dana.Munson@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite GSAR case 2012–G503.

SUPPLEMENTARY INFORMATION:

A. Background

GSA published a proposed rule with a request for public comments in the **Federal Register** at 77 FR 76446 on December 28, 2012, to address use of revised GSAR clause 552.238–74 Industrial Funding Fee (IFF) under the Multiple Award Schedules (MAS) Program, and reinstatement with changes of the information collection requirement concerning OMB Control Number 3090–0121, Industrial Funding Fee (IFF) and Sales Reporting. One comment was received.

In response, GSA published a second Information Collection notice request for public comments in the **Federal Register** at 78 FR 27239, on May 9, 2013 in which the comment from the first notice was addressed and to receive additional comments on the collection. One comment pertaining to the rule was received and is addressed in the Discussion and Analysis section of this rule. Another comment was received pertaining to the collection and is addressed in the Paperwork Reduction Act section of this rule.

The proposed rule sought to amend the GSAR to update the text addressing GSAR part 552, Solicitation Provisions and Contract Clauses at 552.238–74 Industrial Funding Fee (IFF) and Sales Reporting. This change will improve the Multiple Award Schedules (MAS) Program by facilitating transparency and open government, and more accurately define the current MAS Program operations while simultaneously complying with the recommendations of the GSA Office of Inspector General (OIG).

Currently, the language contained in the IFF Clause under GSAR 552.238–74(b)(2) states ''. . . The IFF reimburses the Federal Supply Service for the costs of operating the Federal Supply Schedules Program and recoups its operating costs from ordering activities.'' The GSA OIG's *Audit of the Multiple Award Schedule Program Industrial Funding Fee (Report Number A090256/Q/A/P12003),* dated February 3, 2012 (the ''OIG Report''), recommended that GSA further improve transparency in the MAS Program by informing MAS customers that the IFF may be used to fund other eligible GSA

programs besides those that manage the MAS program. As a result of the OIG recommendation, GSA is amending the current language at GSAR clause 552.238–74 Industrial Funding Fee (IFF) and Sales Reporting to include the expanded role of net revenue generated by IFF payments.

In addition, the OIG Report cited the GSA Modernization Act (Pub. L. 109–313, 120 Stat. 1734 (2006), codified in relevant part at 40 U.S.C. 321), as the authority under which net operating revenue generated by the IFF can be used for more than simple recoupment of costs to run the MAS Program.

The GSA Modernization Act combined the General Supply Fund and the Information Technology Fund which were formerly separate, into one fund, the Acquisition Services Fund.

40 U.S.C. 321, among other things, grants the GSA Administrator latitude in determining how to use net operating revenue from the MAS Program, including funding other Federal Acquisition Services (FAS) programs or funding initiatives benefitting other FAS programs. Essentially, use of MAS program revenue may extend beyond mere MAS Program cost recovery. In the past, GSA did not convey this information directly to MAS Program customers.

Additionally, GSA is making administrative changes by updating all references to ''Federal Supply Service'' or ''FSS'' in the IFF clause to reflect the current organizational name: ''Federal Acquisition Services'' or ''FAS'', as appropriate.

This final rule complies with the recommendations of the GSA OIG, and facilitates transparency and open government, as well as more accurately reflects the current MAS Program relative to use of the IFF. This final rule is separate and apart from any agency action that may change or alter the IFF rate or fee structure.

II. Discussion and Analysis

As a result of the publication of the proposed rule, one public comment was received and is addressed in this rule. Another public comment was received pertaining to the information collection and is addressed directly in section V. Paperwork Reduction Act of this rule. GSA has reviewed the comments in the development of this final rule and offers the following responses:

Comment: The commenter expressed two concerns about the collection requirements of IFF reporting for Transportation Service Providers (TSPs). The commenter believes the scope of the information collection requirement is inadequately defined and measured. This comment is addressed in section V. Paperwork Reduction Act of this rule.

Additionally, the commenter expressed that the information sought by GSA is in excess of what is necessary for the Agency to run its Freight Transportation Management Program.

Response: The IFF represents a percentage of the total quarterly sales reported under the Multiple Award Schedules FSS Program. The IFF reimburses FSS for the costs of operating the FSS Program and enables FSS to recoup its operating costs from ordering activities. Although the General Freight Traffic Management Program also makes reference to an ''Industrial Funding Fee'' in its Request for Offers, that IFF is separate and distinct from the Industrial Funding Fee referenced in this case, which only relates to GSA's Multiple Award Schedules Program. As the commenter correctly states, the IFF referenced under the General Freight Traffic Management Program does not apply to MAS, and thus this change is outside the scope of the General Freight Traffic Management Program.

Therefore, no changes were made to the final rule as a result of the comment received.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

The General Services Administration certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the final rule clarifies GSA's use of the IFF collected under the MAS Program, consistent with the GSA Modernization Act and the recommendation of the GSA OIG. This change will not only implement the OIG's recommendations but will also benefit the agencies, GSA, FAS, and the MAS Program by facilitating transparency, accountability, and clarity about the MAS policy and operational procedures. This rule does not require implementation of any new changes on the part of businesses, large or small doing business with GSA. Therefore, an Initial Regulatory Flexibility Analysis has not been performed.

V. Paperwork Reduction Act

Discussion and Analysis

One respondent submitted a comment on the second information collection notice. The analysis of the public comment is summarized as follows:

Comment: The commenter felt that the Agency's estimate did not accurately reflect the public burden experienced by Transportation Service Providers under the Freight Transportation Management Program. The IFF clause requires quarterly submission of the IFF. However, under the Standard Tender of Service governing Transportation Service Providers in the Freight Transportation Management Program, reports are due on a monthly basis. Thus, presenting a much greater IC burden than estimated in the notice.

Response: GSA does not agree with commenter's comment. The Paperwork Reduction Act (PRA) requires agencies to estimate the burden imposed on the public in complying with the collection. The estimated burden hours for this reporting requirement are consistent with previously approved estimates under this information collection. These proposed GSAR revisions merely update the clause to reflect how GSA may use the IFF to include the ability to fund other FAS programs and fund initiatives that benefit other FAS programs. This is only an administrative change, and does not represent a program change that affects the existing reporting requirement associated with this case. Additionally, the estimated burden hours already take into consideration the varying amount of time it can take for different types of entities to comply with the clause each quarter. The estimate is meant to represent an approximate average across the entire MAS Program. The estimated number of respondents is consistent with previously updated information collections affecting all MAS Program contractors. Also, the number of contractors under the MAS Program changes constantly and therefore a rounded estimate is utilized for this purpose.

GSA does not concur with the commenter's suggested revision to

current burden estimates, and as a result, no changes were made to the burden estimates.

The Paperwork Reduction Act (44 U.S.C. chapter 35) applies. The rule contains information collection requirements. The Office of Management and Budget (OMB) has cleared this information collection requirement under OMB Control Number 3090–0121, titled: Industrial Funding Fee and Sales Reporting.

Public reporting burden for this collection of information is estimated to average .0833 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information.

The annual reporting burden is estimated as follows:

Respondents: 19,000.
Responses per Respondent: 4.
Total Responses: 76,000.
Hours per Response: .0833.
Total Burden Hours: 6,330.80.

List of Subjects in 48 CFR Part 552

Government procurement.

Dated: March 20, 2014.

Jeffrey Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, GSA amends 48 CFR part 552 as set forth below:

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

■ 2. Amend section 552.238–74 by—
■ a. Revising the heading and date of the clause;
■ b. Removing from paragraph (a)(2) ''within'' and adding ''Federal Acquisition Services (FAS) within'' in its place;
■ c. Removing from paragraph (a)(4) ''Supply'' and adding ''Acquisition'' in its place; and removing ''FSS'' and adding ''FAS'' in its place (twice);
■ d. Removing from the introductory text of paragraph (b) and paragraph (b)(1) ''FSS'' and adding ''FAS'' in its place;
■ e. Revising paragraph (b)(2); and
■ f. Removing from paragraph (c) ''FSS'' and adding ''FAS'' in its place (twice).

The revised text reads as follows:

552.238–74 Industrial Funding Fee and Sales Reporting.

* * * * *

Modifications (Federal Supply Schedule) [May 16, 2014]

* * * * *

(b) * * *

(2) The IFF represents a percentage of the total quarterly sales reported. This percentage is set at the discretion of GSA's FAS. GSA's FAS has the unilateral right to change the percentage at any time, but not more than once per year. FAS will provide reasonable notice prior to the effective date of the change. The IFF reimburses FAS for the costs of operating the Federal Supply Schedules Program. FAS recoups its operating costs from ordering activities as set forth in 40 U.S.C. 321: *Acquisition Services Fund*. Net operating revenues generated by the IFF are also applied to fund initiatives benefitting other authorized FAS programs, in accordance with 40 U.S.C. 321. Offerors must include the IFF in their prices. The fee is included in the award price(s) and reflected in the total amount charged to ordering activities. FAS will post notice of the current IFF at *https://72a.gsa.gov/* or successor Web site as appropriate.

* * * * *

[FR Doc. 2014–08659 Filed 4–15–14; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 21, 27, 37, and 38

RIN 2105–AE25

Miscellaneous Civil Rights Amendments (RRR)

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule revises some of the Department's civil rights regulations by removing obsolete and inconsistent language.

DATES: This rule is effective April 16, 2014.

FOR FURTHER INFORMATION CONTACT: Jill Laptosky, Attorney–Advisor, Office of the General Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590. She may also be reached by telephone at 202–493–0308 or by email at *jill.laptosky@dot.gov.*

SUPPLEMENTARY INFORMATION:

Part 21

In 1991, Congress redesignated the Urban Mass Transportation Administration (UMTA) as the Federal Transit Administration (FTA), as part of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102–240 (Dec. 18, 1991). To reflect this change, this final rule updates Part 21 of DOT's regulations by replacing references to UMTA and its programs with references to FTA and FTA's equivalent programs. This final rule also amends statutory authority citations, as appropriate, to reflect UMTA's designation as the FTA. These amendments are nonsubstantive.

Part 27

The Department's regulations at 49 CFR Part 27 carry out section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, to ensure that no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. This final rule updates terminology (e.g., changes ''handicapped person'' to ''person with a disability'') in Part 27 to make it consistent with current practice under the Americans with Disabilities Act (ADA). This updated, ''person-first'' terminology is already being used elsewhere in the Department's regulations, including its ADA and Air Carrier Access Act regulations. This change is nonsubstantive.

This final rule also corrects a reference to the subpart on Enforcement, which is subpart C. This correction removes a reference to subpart F in part 27, which no longer exists. This correction is nonsubstantive.

Part 37

The Access Board is a Federal agency whose primary mission is accessibility for individuals with disabilities. To facilitate the implementation of the ADA and related regulatory requirements, the Access Board publishes the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Until October 30, 2006, DOT republished the Access Board's ADAAG as Appendix A to Part 37. Although DOT continues to require conformity with relevant ADAAG standards, DOT determined in 2006 that, because ''the entire text of the new ADAAG is available in materials published by the Access Board, the Department is not republishing the voluminous text'' as an appendix to Part 37. See 71 FR 63263, 63264. Because DOT ceased publishing the ADAAG as an appendix to Part 37, and because the Access Board periodically revises the ADAAG, certain Part 37 provisions referencing the old Appendix A are now obsolete. For example, 49 CFR 37.47 and 37.51 each defined certain regulatory requirements by reference to the Department's old part 37 Appendix A. When these

provisions were enacted, Appendix A was a republication of the ADAAG. Section 37.47(c)(1) required all ''key stations'' in light and rapid rail systems to achieve accessibility, defined as conformance with the ADAAG, by July 26, 1994. Similarly, 49 CFR 37.51(c)(1) required key stations in commuter rail systems to achieve accessibility by the same date. This final rule removes these provisions' specific references to Appendix A, but leaves intact the operators' obligation to conform to the Access Board's guidelines. This change is nonsubstantive.

This final rule also removes obsolete language from Part 37's Appendix D. Specifically, certain language in Appendix D purported to explain the text of 49 CFR 37.9 concerning ''bus stop pads.'' In 2006, however, 49 CFR 37.9(c) was modified so that it no longer addresses bus stop pads. 71 FR 63263, 63265. In addition, the ADAAG has been reorganized such that several existing citations to the ADAAG in Appendix D are outdated or obsolete. *See* 36 CFR 1191.1. To reflect these changes, therefore, this final rule removes this outdated language. These changes are nonsubstantive.

Additional revisions to Part 37 are necessary because of recent changes to the ADAAG. When the Department created Part 37 in 1991, § 37.3 defined ''transit facility'' in order to clarify certain ADAAG requirements concerning telecommunications devices for the deaf (TDD). At the time, DOT stated that its transit facility ''definition relates only to the Access Board requirement for TDDs, which applies to transit facilities.'' 56 FR 45584, 45585–86. More recent versions of the ADAAG, however, do not define compliance with TDD provisions in terms of transit facilities; it is therefore appropriate for DOT to remove this unnecessary definition of transit facility from the Department's regulations and its appendix. This change is nonsubstantive.

Further nonsubstantive revisions to Part 37 are required to accommodate changes to DOT's statutory grant-making authority. Specifically, several FTA grant programs were originally authorized by the Urban Mass Transportation Act (UMT Act) of 1964, Public Law 88–365. As discussed above, however, Congress redesignated the UMTA as the FTA in 1991. Shortly thereafter, in 1994, statutory authorizations for the FTA's grant programs were recodified without substantive change. Revision of Title 49, United States Code Annotated, ''Transportation,'' Public Law 103–272, (July 5, 1994). As a result of this recodification, grants previously authorized under section 18 of the UMT Act became authorized under 49 U.S.C. 5311; grants previously authorized under section 9 of the UMT Act became authorized under 49 U.S.C. 5307; and grants previously authorized under section 3 of the UMT Act became authorized under 49 U.S.C. 5309. This final rule amends Part 37 to reflect these statutory changes; these changes are nonsubstantive.

In addition, among the many provisions of the Department's 1991 rule implementing the ADA, *see* 56 FR 45625, 49 CFR 37.7 sets forth compliance standards for accessible vehicles. Pursuant to this section, a vehicle is considered to be accessible if it complies with Access Board guidelines, which are incorporated into the Department's rules at 49 CFR Part 38. Paragraph (b) of § 37.7 allows an entity to petition the Administrator for a determination of equivalent facilitation, which, if granted, allows an entity to deviate from Part 38 standards through the use of a comparable method of compliance. In the original 1991 final rule, § 37.7(b) required an entity petitioning the Administrator to show an ''inability to comply'' with a particular standard in order to deviate from Part 38 requirements. Interpretive language appearing in Appendix D to Part 37 explains that this provision required an entity to ''make a case to the Administrator that it is unable to comply with a particular portion of Part 38, as written, for specified reasons, and that it is providing comparable compliance by some alternative method.'' However, the original rule was amended in 1996 to remove ''inability to comply'' with existing requirements as a condition of obtaining an equivalent facilitation determination. *See* 61 FR 25409. Notwithstanding this amendment, this interpretive language in Appendix D was not removed and, therefore, still implies that an entity may petition the Administrator if it is unable to comply with a particular Part 38 standard. This language is outdated and inconsistent with current regulation. Therefore, this final rule removes this obsolete language from Appendix D. This conforming change is nonsubstantive.

This final rule will also update Part 37 by updating the addresses for the FTA regional offices in Appendix B. It will correct a typographical error by replacing direct ''treat'' with direct ''threat'' in Appendix D.

Part 38

The Department's final rule implementing the transportation provisions of the ADA also sets forth minimum accessibility standards for transportation vehicles. These standards, published in 49 CFR Part 38, include minimum requirements for public information systems found on accessible vehicles, including buses, vans, rapid rail vehicles, light rail vehicles, commuter rail cars, and intercity rail cars.[1] In order to be in compliance with Part 38 requirements, these vehicles must be ''equipped with a public address system permitting the driver, or recorded or digitized human speech messages, to announce stops and provide other passenger information within the vehicle.''

The Appendix to Part 38 provides guidance material to assist entities with the interpretation of these standards. Guidance language relating to public information systems is found in Section V of the Appendix. This guidance, which has remained unchanged since the original 1991 publication, states that ''there currently is no requirement that vehicles be equipped with an information system which is capable of providing the same or equivalent information to persons with hearing loss.''

Notwithstanding this language, the Department encourages the use of public address systems which are accessible to persons who are deaf, hearing impaired, and those with hearing loss. Accordingly, the Appendix provides information regarding the use and implementation of both visual display systems and assistive listening systems on transportation vehicles. The regulatory text also leaves open the option of equipping some vehicles with an alternative system or device capable of providing such access.[2] Therefore, the language in the Appendix which indicates that there is ''no requirement'' to use a public information system capable of providing information to persons with hearing loss is both unhelpful and outdated. This final rule removes this language from the Appendix. This change to the guidance is nonsubstantive.

This final rule also removes language from the Appendix that discusses a technological study conducted during fiscal year 1992. The Department recognizes that technology has changed significantly since publication of the original rule and that technology which is capable of providing equivalent information now exists and is already in use in many cases. Therefore, this

[1] *See* 49 CFR 38.35, 38.61, 38.87, 38.103, 38.121.

[2] *See* 49 CFR 38.121 (''Alternative systems or devices which provide equivalent access are also permitted.'')

outdated language will be removed from the Appendix. This change is nonsubstantive.

Public Participation

This final rule is exempt from Administrative Procedure Act (APA) notice and comment requirements. This final rule does not affect any substantive changes to the regulations or alter any existing compliance obligations. The revisions to Part 21 replace outdated references to UMTA with current references to FTA. With respect to Part 27, this final rule would only make editorial corrections to the regulations by replacing references to ''handicapped people'' with references to ''persons with disabilities.'' Another edit to Part 27 corrects an outdated subpart designation without affecting the substance of the underlying rulemaking document. With respect to Part 37, the corrections contained in this final rule are consistent with the changes adopted by the Department in 1996. The Department already sought comment from the public on the deletion of the requirement that an entity demonstrate an inability to comply with existing requirements as a condition of obtaining a determination of equivalent facilitation. *See* 59 FR 37208. This final rule merely makes the guidance consistent with the regulations. This final rule is removing references in Part 37 to an appendix that no longer exists and removes languages that is now obsolete due to Access Board revisions to the ADAAG. Part 37 is also revised to replace references to UMTA's programs to FTA's programs. As previously discussed, UMTA was redesignated by Congress as FTA in 1991. With respect to Part 38, this final rule will not affect any existing compliance obligations. The Department is removing language in the guidance regarding public information systems; however, the underlying compliance obligation remains the same. For the reasons stated above, notice and comment procedures are unnecessary within the meaning of the APA. *See* 5 U.S.C. 553(b)(3)(B).

The Department finds good cause for this final rule to become effective immediately under 5 U.S.C. 553(d)(1). This final rule is only removing outdated, obsolete, and inconsistent language in the regulations or revising the guidance material without altering any existing compliance obligations contained in the current regulations. Since this final rule is nonsubstantive and will not affect any regulated entity's compliance with the current regulations, the Department finds good cause for it to become effective immediately.

Regulatory Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

The DOT has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866, and within the meaning of the Department of Transportation's regulatory policies and procedures. Since this rulemaking merely removes obsolete and inconsistent language and makes editorial corrections and does not have any substantive impact on the regulated community, the DOT anticipates that this rulemaking will have no economic impact.

Additionally, this action fulfills the principles of Executive Order 13563, specifically those relating to retrospective analyses of existing rules. This rule is being issued as a result of the reviews of existing regulations that the Department periodically conducts. In addition, these changes will not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. Consequently, a full regulatory evaluation is not necessary.

Regulatory Flexibility Act

Since notice and comment rulemaking is not necessary for this rule, the provisions of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612) do not apply. However, the DOT has evaluated the effects of this action on small entities and has determined that the action would not have a significant economic impact on a substantial number of small entities. The rule removes obsolete guidance language and updates outdated terminology and, therefore, does not add to or alter any existing obligations.

Unfunded Mandates Reform Act of 1995

This final rule would not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48, March 22, 1995) as it will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $148.1 million or more in any one year (2 U.S.C. 1532).

Executive Order 13132 (Federalism Assessment)

Executive Order 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may 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. This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and the DOT has determined that this action would not have a substantial direct effect or sufficient federalism implications on the States. The DOT has also determined that this action would not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions. Therefore, consultation with the States is not necessary.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct, sponsor, or require through regulations. The DOT has analyzed this final rule under the PRA and has determined that this rule does not contain collection of information requirements for the purposes of the PRA.

National Environmental Policy Act

The agency has analyzed the environmental impacts of this proposed action pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) and has determined that it is categorically excluded pursuant to DOT Order 5610.1C, Procedures for Considering Environmental Impacts (44 FR 56420, Oct. 1, 1979). Categorical exclusions are actions identified in an agency's NEPA implementing procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). See 40 CFR 1508.4. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* Paragraph 3.c.5 of DOT Order 5610.1C incorporates by reference the categorical exclusions for all DOT Operating Administrations. This action is covered by the categorical exclusion listed in the Federal Highway Administration's implementing procedures, ''[p]romulgation of rules, regulations, and directives.'' 23 CFR

771.117(c)(20). The purpose of this rulemaking is to make editorial corrections and remove obsolete and inconsistent language in the Department's civil rights regulations. The agency does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

Executive Order 13175 (Tribal Consultation)

The DOT has analyzed this action under Executive Order 13175, dated November 6, 2000, and believes that the action would not have substantial direct effects on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal laws. This final rule merely updates outdated terminology, and removes inconsistent language relating to compliance with the Department's accessible vehicle standards and equivalent facilitation determinations. It does not impose any new requirements on Indian tribal governments. Therefore, a tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

The DOT has analyzed this action under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The DOT has determined that this is not a significant energy action under this order since 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. Therefore, a Statement of Energy Effects is not required.

List of Subjects in 49 CFR Parts 21, 27, 37 and 38

Administrative practice and procedure, Buildings and facilities, Buses, Civil rights, Government contracts, Grant programs-transportation, Individuals with disabilities, Intermodal transportation, Mass transportation, Minority businesses, Railroads, Reporting and recordkeeping requirements, Transportation.

Issued in Washington, DC, on April 9, 2014, under authority delegated in 49 CFR part 1.27(a) and (c):

Kathryn B. Thomson,

General Counsel.

The Final Rule

For the reasons stated in the preamble, the Office of the Secretary amends 49 CFR Part 21, 49 CFR Part 27, 49 CFR Part 37, and 49 CFR Part 38 as follows:

PART 21—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

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

Authority: 42 U.S.C. 2000d–2000d–6.

■ 2. Amend Appendix A to Part 21 by:

■ a. Revising paragraph 13 as set out below,

■ b. Removing paragraphs 14–17, and

■ c. Redesignating paragraph 18 as paragraph 14.

Appendix A to Part 21—Activities to Which This Part Applies

13. Use of grants and loans made in connection with public transportation programs (49 U.S.C. chapter 53).

* * * * *

■ 3. Amend Appendix C to Part 21 by revising paragraphs (a)(1)(ix) and (a)(3) to read as follows:

Appendix C to Part 21—Application of Part 21 to Certain Federal Financial Assistance of the Department of Transportation

(a) * * *

(1) * * *

(ix) Employment at obligated airports, including employment by tenants and concessionaires shall be available to all regardless of race, creed, color, sex, or national origin. The sponsor shall coordinate his airport plan with his local transit authority and the Federal Transit Administration to assure public transportation, convenient to the disadvantaged areas of nearby communities to enhance employment opportunities for the disadvantaged and minority population.

* * * * *

(3) *Federal Transit Administration.*

* * * * *

PART 27—NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

■ 4. The authority citation for part 27 is revised to read as follows:

Authority: Sec. 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); 49 U.S.C. 322.

■ 5. In 49 CFR Part 27:

■ a. The term ''handicapped person'' is revised to read ''person with a disability'' wherever it occurs;

■ b. The term ''handicapped persons'' is revised to read ''persons with a disability'' wherever it occurs;

■ c. The term ''qualified handicapped person'' is revised to read ''qualified person with a disability'' wherever it occurs;

■ d. The term ''qualified handicapped persons'' is revised to read ''qualified persons with a disability'' wherever it occurs;

■ e. The term ''handicapped and nonhandicapped persons'' is revised to read ''persons with and without a disability'' wherever it occurs;

■ f. The term ''the handicapped'' when not followed by ''person'' or ''persons'' is revised to read ''persons with a disability'' wherever it occurs;

■ g. The term ''handicapped'', when not followed by ''person'' or ''persons'' or preceded by ''the'', is revised to read ''disabled'' where it appears; and

■ h. The term ''nonhandicapped'' is revised to read ''persons without a disability'' wherever it occurs.

§ 27.19 [Amended]

■ 6. In the last sentence of § 27.19(a), remove the term ''subpart F'' and add in its place ''subpart C''.

PART 37—TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)

■ 7. The authority for part 37 continues to read as follows:

Authority: 42 U.S.C. 12101–12213; 49 U.S.C. 322.

Subpart A—General

§ 37.3 [Amended]

■ 8. Amend § 37.3 by removing the definition of ''transit facility.''

Subpart C—Transportation Facilities

■ 9. In § 37.47, revise paragraph (c)(1) to read as follows:

§ 37.47 Key stations in light and rapid rail systems.

* * * * *

(c) * * *

(1) Unless an entity receives an extension under paragraph (c)(2) of this section, the public entity shall achieve accessibility of key stations as soon as possible, but in no case later than July 26, 1994.

* * * * *

■ 10. In § 37.51, revise paragraph (c)(1) to read as follows:

§ 37.51 Key stations in commuter rail systems.

* * * * *

(c)(1) Except as provided in this paragraph, the responsible person(s) shall achieve accessibility of key stations as soon as possible, but in no case later than July 26, 1994.

* * * * *

Subpart D—Acquisition of Accessible Vehicles by Public Entities

■ 11. In § 37.77, revise paragraph (d) to read as follows:

§ 37.77 Purchase or lease of new non-rail vehicles by public entities operating a demand responsive system for the general public.

* * * * *

(d) A public entity receiving FTA funds under 49 U.S.C. 5311 or a public entity in a small urbanized area which receives FTA funds under 49 U.S.C. 5307 from a state administering agency rather than directly from FTA, which determines that its service to individuals with disabilities is equivalent to that provided other persons shall, before any procurement of an inaccessible vehicle, file with the appropriate state program office a certificate that it provides equivalent service meeting the standards of paragraph (c) of this section. Public entities operating demand responsive service receiving funds under any other section of the FT Act shall file the certificate with the appropriate FTA regional office. A public entity which does not receive FTA funds shall make such a certificate and retain it in its files, subject to inspection on request of FTA. All certificates under this paragraph may be made and filed in connection with a particular procurement or in advance of a procurement; however, no certificate shall be valid for more than one year. A copy of the required certificate is found in appendix C to this part.

* * * * *

Subpart F—Paratransit as a Complement to Fixed Route Service

■ 12. In § 37.135, revise paragraphs (f)(1)(i) and (ii) and (f)(2) to read as follows:

§ 37.135 Submission of paratransit plan.

* * * * *

(f) * * *

(1) * * *

(i) A recipient of funding under 49 U.S.C. 5311;

(ii) A small urbanized area recipient of funding under 49 U.S.C. 5307 administered by the State;

* * * * *

(2) The FTA Regional Office (as listed in appendix B to this part) for all other entities required to submit a paratransit plan. This includes an FTA recipient under 49 U.S.C. 5307; entities submitting a joint plan (unless they meet the requirements of paragraph (f)(1)(iii) of this section), and a public entity not an FTA recipient.

■ 13. In § 37.145, revise paragraph (a) to read as follows:

§ 37.145 State comment on plans.

* * * * *

(a) Ensure that all applicable recipients of funding under 49 U.S.C. 5307 or 49 U.S.C. 5311 have submitted plans.

* * * * *

■ 14. Revise appendix B to part 37 to read as follows:

Appendix B to Part 37—FTA Regional Offices

Region 1, Federal Transit Administration, Transportation Systems Center, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142

Region 2, Federal Transit Administration, One Bowling Green, Room 429, New York, NY 10004

Region 3, Federal Transit Administration, 1760 Market Street, Suite 500, Philadelphia, PA 19103

Region 4, Federal Transit Administration, 230 Peachtree NW., Suite 800, Atlanta, GA 30303

Region 5, Federal Transit Administration, 200 West Adams Street, Suite 320, Chicago, IL 60606

Region 6, Federal Transit Administration, 819 Taylor Street, Room 8A36, Fort Worth, TX 76102

Region 7, Federal Transit Administration, 901 Locust Street, Suite 404, Kansas City, MO 64106

Region 8, Federal Transit Administration, 12300 West Dakota Avenue, Suite 310, Lakewood, CO 80228

Region 9, Federal Transit Administration, 201 Mission Street, Suite 1650, San Francisco, CA 94105

Region 10, Federal Transit Administration, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174

■ 15. In Appendix C to Part 37, revise the final full paragraph under the heading ''Certification of Equivalent Service'' to read as follows:

Appendix C to Part 37—Certifications

* * * * *

In accordance with 49 CFR 37.77, public entities operating demand responsive systems for the general public which receive financial assistance under 49 U.S.C. 5311 must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving FTA funds shall also file the certification with the appropriate state program office. Such public entities receiving FTA funds under any other section of the FT Act must file the certification with the appropriate FTA regional office. This certification is valid for no longer than one year from its date of filing.

* * * * *

■ 16. Amend Appendix D to Part 37 by:

■ a. Revising the tenth paragraph under the heading ''Section 37.3 Definitions'';

■ b. Removing the sixteenth paragraph under the heading ''Section 37.3 Definitions'' that begins, ''The definition of 'transit facility' applies only with reference to the TDD requirement . . . .'';

■ c. In the eighth paragraph under the heading ''Section 37.5 Nondiscrimination'' by removing the phrase ''direct treat'' and adding in its place ''direct threat'';

■ d. Revising the first paragraph under the heading ''Section 37.7 Standards for Accessible Vehicles'';

■ e. Removing the seventh paragraph under the heading ''37.9 Standards for Transportation Facilities'',

■ f. Revising the eighth paragraph under the heading ''37.23 Service Under Contract''; and

■ g. Revising the first paragraph under the heading ''37.143 Paratransit Plan Implementation''.

The revisions read as follows:

Appendix D to Part 37—Construction and Interpretation of Provisions of 49 CFR Part 37

* * * * *

On the other hand, we would regard a system that permits user-initiated deviations from routes or schedules as demand-responsive. For example, if a rural public transit system (e.g., a recipient of funds under 49 U.S.C. 5311) has a few fixed routes, the fixed route portion of its system would be subject to the requirements of subpart F for complementary paratransit service. If the entity changed its system so that it operated as a route-deviation system, we would regard it as a demand responsive system. Such a system would not be subject to complementary paratransit requirements.

* * * * *

This section makes clear that, in order to meet accessibility requirements of this rule, vehicles must comply with Access Board standards, incorporated in DOT rules as 49 CFR part 38. Paragraph (b) of § 37.7 spells out a procedure by which an entity (public or private) can deviate from provisions of part 38 with respect to vehicles. The entity would have to describe how its alternative mode of compliance would meet or exceed the level of access to or usability of the vehicle that compliance with part 38 would otherwise provide.

* * * * *

In addition, the requirement that a private entity play by the rules applicable to a public entity can apply in situations involving an ''arrangement or other relationship'' with a public entity other than the traditional contract for service. For example, a private

utility company that operates what is, in essence, a regular fixed route public transportation system for a city, and which receives funding under 49 U.S.C. 5307 or 49 U.S.C. 5309 via an agreement with a state or local government agency, would fall under the provisions of this section. The provider would have to comply with the vehicle acquisition, paratransit, and service requirements that would apply to the public entity through which it receives the FTA funds, if that public entity operated the system itself. The Department would not, however, construe this section to apply to situations in which the degree of FTA funding and state and local agency involvement is considerably less, or in which the system of transportation involved is not a *de facto* surrogate for a traditional public entity fixed route transit system serving a city (e.g., a private non-profit social service agency which receives funds under 49 U.S.C. 5310 to purchase a vehicle).

* * * * *

As already discussed under § 37.135, the states will receive FTA recipient plans for recipients of funding under 49 U.S.C. 5311 administered by the State or any small urbanized area recipient of funds under 49 U.S.C. 5307 administered by a state. Public entities who do not receive FTA funds will submit their plans directly to the applicable Regional Office (listed in appendix B to the rule).

PART 38—AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY SPECIFICATIONS FOR TRANSPORTATION VEHICLES

■ 17. The authority for Part 38 continues to read as follows:

Authority: 42 U.S.C. 12101–12213; 49 U.S.C. 322.

■ 18. In the appendix to part 38, revise the first paragraph under the heading ''V. Public Information Systems'' to read as follows:

Appendix to Part 38—Guidance Material

* * * * *

Entities are encouraged to employ any available services, signage, or alternative systems or devices that are capable of providing the same or equivalent information to persons with hearing loss. Two possible types of devices are visual display systems and listening systems. However, it should be noted that while visual display systems accommodate persons who are deaf or are hearing impaired, assistive listening systems aid only those with a partial loss of hearing.

* * * * *

[FR Doc. 2014–08525 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1333

[Docket No. EP 707]

Demurrage Liability

AGENCY: Surface Transportation Board (Board or STB), DOT.

ACTION: Final rule.

SUMMARY: The Board is adopting final rules establishing that a person receiving rail cars from a rail carrier for loading or unloading who detains the cars beyond the ''free time'' provided in the carrier's governing tariff will generally be responsible for paying demurrage, if that person has actual notice, prior to rail car placement, of the demurrage tariff establishing such liability. The Board also clarifies that it construes the provisions of 49 U.S.C. 10743, titled ''Liability for payment of rates,'' as applying to carriers' line-haul rates, but not to carriers' charges for demurrage.

DATES: This rule is effective on July 15, 2014.

FOR FURTHER INFORMATION CONTACT: Amy Ziehm at (202) 245–0391. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Demurrage is a charge for detaining rail cars for loading or unloading beyond a specified amount of time called ''free time.'' Demurrage has compensatory and penalty functions. It compensates rail carriers for the use of railroad equipment and assets; and, by penalizing those who detain rail cars for too long, it also encourages prompt return of rail cars into the transportation network. Because of these dual roles, demurrage is statutorily recognized as an important tool in ensuring the smooth functioning of the rail system. *See* 49 U.S.C. 10746.

The Interstate Commerce Act, as amended by the ICC Termination Act of 1995 (ICCTA), Public Law 104–88, 109 Stat. 803 (1995), provides that demurrage is subject to Board regulation. Specifically, 49 U.S.C. 10702 requires railroads to establish reasonable rates and transportation-related rules and practices, and 49 U.S.C. 10746 requires railroads to compute demurrage and to establish demurrage-related rules ''in a way that fulfills the national needs related to'' freight car use and distribution and that will promote an adequate car supply. In the simplest case, demurrage is assessed on the ''consignor'' (the shipper of the goods) for delays in loading cars at origin, and on the ''consignee'' (the receiver of the goods) for delays in unloading cars and returning them to the carrier at destination.[1]

This agency has long been involved in resolving demurrage disputes, both as an original matter and on referral from courts hearing railroad complaints seeking recovery of charges.[2] The disputes between railroads and parties that originate or terminate rail cars can involve relatively straightforward application of the carrier's tariffs[3] to the circumstances of the case. Complications can arise, however, in cases involving warehousemen or other third-party intermediaries who handle the goods but have no property interest in them. A consignee that owned the property being shipped had common-law liability (for both freight charges and demurrage) when it accepted cars for delivery. *See Pittsburgh, Cincinnati, Chicago & St. Louis Ry.* v. *Fink,* 250 U.S. 577, 581 (1919). Warehousemen, however, are not typically owners of the property being shipped (even though, by accepting the cars, they are in a position to facilitate or impede car supply). Under the legal principles that developed, in order for a warehouseman to be subject to demurrage or detention charges, there had to be some other basis for liability beyond the mere fact of handling the goods shipped. *See, e.g.,*

[1] The Interstate Commerce Act does not define ''consignor'' or ''consignee.'' Black's Law Dictionary defines ''consignor'' as ''[o]ne who dispatches goods to another on consignment,'' and ''consignee'' as ''[o]ne to whom goods are consigned.'' Black's Law Dictionary 327 (8th ed. 2004). The Federal Bills of Lading Act defines these terms in a similar manner. 49 U.S.C. 80101(1) & (2).

[2] *E.g., Springfield Terminal Ry.—Pet. for Declaratory Order—Reasonableness of Demurrage Charges,* NOR 42108 (STB served June 16, 2010); *Capitol Materials Inc.—Pet. for Declaratory Order—Certain Rates & Practices of Norfolk S. Ry.,* NOR 42068 (STB served Apr. 12, 2004); *Unger ex rel. Ind. Hi-Rail Corp.—Pet. for Declaratory Order—Assessment & Collection of Demurrage & Switching Charges,* NOR 42030 (STB served June 14, 2000); *South-Tec Dev. Warehouse, Inc.—Pet. for Declaratory Order—Ill. Cent. R.R.,* NOR 42050 (STB served Nov. 15, 2000); *Ametek, Inc.—Pet. for Declaratory Order,* NOR 40663, *et al.* (ICC served Jan. 29, 1993), *aff'd, Union Pac. R.R.* v. *Ametek, Inc.,* 104 F.3d 558 (3d Cir. 1997).

[3] Historically, carriers gave public notice of their rates and general service terms in tariffs that were publicly filed with the ICC and that had the force of law under the so-called ''filed rate doctrine.'' *See Maislin Indus., Inc.* v. *Primary Steel, Inc.,* 497 U.S. 116, 127 (1990). The requirement that rail carriers file rate tariffs at the agency was repealed in ICCTA. Nevertheless, although tariffs are no longer filed with the agency, rail carriers may still use them to establish and announce the terms of the services they hold out.

Smokeless Fuel Co. v. *Norfolk & W. Ry.,* 85 I.C.C. 395, 401 (1923).

What became the most important factor under judicial and agency precedent was whether the warehouseman was named the consignee on the bill of lading.[4] Thus, our predecessor, the Interstate Commerce Commission (ICC), held that a tariff may not lawfully impose such demurrage charges on a warehouseman who is not the owner of the freight, who is not named as a consignor or consignee in the bill of lading, and who is not otherwise party to the contract of transportation. *Responsibility for Payment of Detention Charges, E. Cent. States* (*Eastern Central*), 335 I.C.C. 537, 541 (1969) (involving liability for detention, the motor carrier equivalent of demurrage), *aff'd, Middle Atl. Conference* v. *United States* (*Middle Atlantic*), 353 F. Supp. 1109, 1114–15 (D.D.C. 1972) (three-judge court sitting under the then-effective provisions of 28 U.S.C. 2321 *et seq.*).

In recent years, however, a question arose as to who should bear liability when an intermediary that accepts rail cars and detains them too long is named as consignee in the bill of lading, but asserts either that it did not know of its consignee status or that it affirmatively asked the shipper not to name it consignee. On that issue, the United States Courts of Appeals for the Third and Eleventh Circuits have split.[5]

In *Norfolk Southern Railway* v. *Groves,* a warehouseman denied liability for demurrage charges despite being named as a consignee on the bill of lading, claiming that it did not consent to being named as a consignee and that it was never informed that it was designated as such. 586 F.3d 1273, 1275–76 (11th Cir. 2009), *cert. denied,* 131 S. Ct. 993 (2011). Relying on contract principles, the Eleventh Circuit concluded that ''a party must assent to being named as a consignee on the bill of lading to be held liable as such, or at the least, be given notice that it is being named as a consignee in order that it might object or act accordingly.'' As such, the court concluded that the warehouseman was not a consignee and thus not liable for demurrage. *Id.* at 1278.

On virtually identical facts, in *CSX Transportation Co.* v. *Novolog Bucks County (Novolog*), the Third Circuit rejected the notion that a warehouseman's designation as consignee in the bill of lading, without permission and where the warehouseman is not the ultimate consignee of the freight, cannot establish its status as consignee for purposes of demurrage liability. 502 F.3d 247, 257 (3d Cir. 2007). Rather, the court held that ''recipients of freight who are named as consignees on bills of lading are subject to liability for demurrage charges arising after they accept delivery unless they act as agents of another [party] and comply with the notification procedures established in ICCTA's consignee-agent liability provision, 49 U.S.C. 10743(a)(1).'' *Id.* at 254.[6]

The legal debate and resulting conflicting opinions prompted the Board to reexamine its existing policy and to assist in providing clarification. In reviewing these decisions, the Board determined that it was necessary to revisit its demurrage precedent to consider whether the agency's policies accounted for current statutory provisions and commercial practices. On December 6, 2010, the Board published an Advance Notice of Proposed Rulemaking (ANPR) that raised a series of specific questions about how the demurrage process works and sought public input on whether the Board should consider a new rule that would place demurrage liability on the receivers of rail cars, regardless of their designation in the bill of lading, if the carrier had provided the receiver with notice of its demurrage tariff. *Demurrage Liability,* EP 707 (STB served Dec. 6, 2010), 75 Fed. Reg. 76496 (Dec. 10, 2010). Shortly thereafter, the United States Supreme Court denied a request that it review the split in the circuits. *Norfolk S. Ry.* v. *Groves,* 131 S.Ct. 993 (2011) (mem.).

After reviewing the comments received in response to the ANPR, the Board issued a Notice of Proposed Rulemaking (NPR) on May 7, 2012, in which the Board announced proposed rules whereby any person receiving rail cars who detains the cars beyond the free time may be held liable for demurrage if the carrier has provided that person with actual notice of the demurrage tariff. *Demurrage Liability,* EP 707 (STB served May 7, 2012). The Board also announced a new construction of the provisions of 49 U.S.C. 10743, under which those provisions would apply to carriers' line-haul rates, but not to demurrage charges. The proposed rules were published in the **Federal Register**, 77 FR 27384 (May 10, 2012), and comments were submitted in response to the NPR.

After receiving comments, the Board, by decision served May 28, 2013, issued an initial regulatory flexibility analysis (IRFA) and request for comments regarding the impact of the proposed rules on small rail carriers. *Demurrage Liability,* EP 707 (STB served May 28, 2013). The Board received comments from two entities.

Final Rules: We now adopt final rules based on suggestions made in the parties' comments and on the Board's review of the issues raised. We address below certain clarifications made in response to the comments received. Additional information is contained in the Board's decision. The full decision is available on the Board's Web site at *www.stb.dot.gov.*

Are the Demurrage Rules Generally Applicable? In the NPR, we proposed rules governing demurrage that would allow rail carriers to impose demurrage liability on ''[a]ny person receiving rail cars from a rail carrier'' if the carrier had provided actual notice of the demurrage tariff to that person. Several commenters argued that the language of the proposed rule was too broad, and that we should clarify that it applies only to a narrow subset of receivers—namely, warehousemen.

We do not believe that such a clarification is appropriate. It is true that much of this proceeding has focused on the liability of warehousemen. This is only natural, given that this proceeding was commenced after various courts drew differing conclusions about the liability of warehousemen for demurrage. The rationales behind these new demurrage rules, however, are generally applicable to all receivers. First, we stated in the NPR that, ''[b]ecause warehousemen and other third-party receivers are often not signatories to the bill of lading, we do not believe that the bill of lading should be the contract that establishes demurrage liability.'' NPR at 12. This rationale is equally applicable to other receivers (i.e., consignees) of rail cars, as it is the shipper (i.e., consignor) who creates the bill of lading prior to providing it to the rail carrier. Thus, we continue to believe that the bill of lading should not be the contract that

[4] A bill of lading is the transportation contract between the shipper and the carrier for moving goods between two points. Its terms and conditions bind the shipper, the originating carrier, and all connecting carriers.

[5] Additionally, the United States Court of Appeals for the Seventh Circuit indicated a predilection toward the Eleventh Circuit's decision, though it did not directly decide the issue. *See Ill. Cent. R.R.* v. *S. Tec Dev. Warehouse, Inc.* (*South Tec*), 337 F.3d 813, 820–21 (7th Cir. 2003).

[6] The statutory notice provision of § 10743(a)(1), which is also referred to in *Groves,* states, among other things, that a person receiving property as an agent for the shipper or consignee will not be liable for ''additional rates'' that may be found due beyond those billed at the time of delivery, if the receiver notifies the carrier in writing that it is not the owner of the property, but rather is only an agent for the owner.

establishes demurrage liability, regardless of whether the receiver is a warehousemen or other consignee.[7]

Next, we stated in the NPR that ''[o]ur proposed rule would . . . tie demurrage liability to the conduct of the parties directly involved with handling the rail cars and would advance the goals of § 10746 by permitting the carrier to impose charges on the party best able to get the cars back to the carrier.'' NPR at 13. In other words, after concluding that demurrage should no longer be based on the bill of lading, we concluded that it should instead be governed by a conduct-based rule. Such a rule is as applicable to traditional consignors or consignees as it is to warehousemen.

Finally, the NPR noted that tariffs play a different role today than they did in the past, when they were filed at the agency and parties were deemed to have constructive knowledge of their terms. NPR at 13. As a result, we concluded that ''a shipper or receiver of rail cars to whom the rail carrier has given *actual* notice of its own demurrage tariff will be deemed to have accepted the rail carrier's demurrage terms whenever it accepts the cars.'' *Id.* at 13 (emphasis in original). Again, the logic behind this rule is applicable to both warehousemen and other receivers. Because neither is deemed to have constructive notice of a tariff's terms now that the tariff is no longer filed at the agency, we concluded that any person receiving rail cars must be provided with actual notice in order to be held liable for demurrage.

We therefore reject the requests to narrow the scope of these rules to third-party receivers. We also reject the requests to clarify that the demurrage rules we are adopting here provide an alternative legal basis for collecting demurrage in addition to the bill of lading. As stated above, we are adopting a conduct-based approach to demurrage in lieu of one based on the bill of lading. As such, part 1333 governs demurrage generally and 49 CFR 1333.3 will continue to refer to ''[a]ny person receiving rail cars.''

Are the Demurrage Rules Applicable to Railroad-Owned and Privately Owned Cars? Several commenters point out that, although the NPR initially described demurrage as being ''a charge for detaining railroad-owned rail freight cars,'' the proposed rules themselves speak only of ''rail cars.'' NPR at 2, 20. We have been asked to clarify whether the rules are limited to railroad-owned cars or if they apply to privately owned cars as well.

The final rules will continue to refer to ''rail cars,'' and we clarify here that this term encompasses both railroad-owned cars and privately owned cars when such privately owned cars are held on railroad property. This is consistent with Board precedent, which has previously stated that demurrage charges may be applied to privately owned cars when held on railroad property because such charges ''compensate the railroad for use of its assets (i.e., the space on its track or at its yards), and they encourage more efficient use of freight cars on its system.'' *N. Am. Freight Car Ass'n* v. *BNSF Ry.,* NOR 42060 (Sub-No. 1), slip op. at 9 (STB served Jan. 26, 2007), *aff'd,* 529 F.3d 1166 (D.C. Cir. 2008); *see also R.R. Salvage & Restoration, Inc.—Pet. for Declaratory Order—Reasonableness of Demurrage Charges,* NOR 42102, slip op at 4 (STB served July 20, 2010).

To clarify that the goals of demurrage apply equally to railroad-owned cars and privately owned cars when held on railroad property, it was suggested that the Board modify the end of the proposed rule at 49 CFR 1333.1 to read as follows: ''To encourage the efficient use of rail cars *and* the rail network.'' We do not believe that such a change is necessary. Under the rule as written, when privately owned cars are held beyond the free time on railroad property, demurrage will apply both to ''compensate[ ] rail carriers for the expenses incurred [for the use of railroad assets]'' and ''to encourage the efficient use of rail cars'' on the railroad system. *See* § 1333.1. Thus, we do not believe any change to the language of § 1333.1 is warranted.

Form of the Actual Notice: Several comments address what form the actual notice of demurrage tariff should take. Certain commenters suggest that actual notice be satisfied by the Board's issuance of these final rules in the **Federal Register**. We find such constructive notice to be inadequate, however. Although publication of this decision and the final rules should put parties on notice as to the general legal framework for demurrage, it will not put them on notice as to the specific terms of a rail carrier's tariff. Thus, to satisfy the actual notice requirement, the rail carriers must provide the demurrage tariff directly to receivers.

Certain commenters ask that we clarify that a written or electronic notice with a link to the tariff online would satisfy the actual notice requirement. Some commenters agree that electronic or written notice with a link to the full tariff could qualify as actual notice, though suggest that, in order to qualify as actual notice, the communication would need to provide a summary of the material provisions of the tariff. We agree that it is not necessary to send the full terms of the tariff in order to satisfy the requirement, and that a link to the tariff in full could suffice. We decline, however, to decide at this time whether particular forms of notice are adequate or inadequate. Rather, the Board will, as appropriate, address any future arguments with respect to the adequacy of actual notice in the context of a specific factual dispute.

It was also requested that the Board clarify that, in order to satisfy the actual notice requirement, rail carriers may provide a one-time ''blanket notice'' to each customer, rather than having to provide actual notice with each delivery to the same customer. Assuming the adequacy of such blanket notices, several commenters then addressed the related issue of what responsibility, if any, rail carriers have to provide actual notice of changes to the demurrage tariff after the blanket notice has been issued. We agree that it is not necessary to provide actual notice with each and every shipment, and that a one-time ''blanket notice'' would satisfy the requirement. We are not persuaded, however, by the argument that no further obligation should be imposed on the carrier after providing a blanket notice because, so long as the electronic link to the tariff remains valid, the receiver has the ability to learn of any changes. As we stated earlier, we reject this type of constructive notice in the demurrage context. If, after providing a blanket notice, a carrier makes material changes to the demurrage tariff, the carrier must provide actual notice of those changes to the receiver in order to hold the receiver liable for demurrage charges under the changed tariff.

Method of Providing Actual Notice: In the NPR, we suggested that the actual notice should be provided electronically or in writing. NPR at 13–14 (citing *Rate Disclosure,* 1 S.T.B. at 159). Although there was little direct discussion of this requirement in the comments, several commenters appear satisfied that the actual notice should be provided in either electronic or written form.

One commenter states that providing a one-time notice, with either the full tariff or a link to that tariff, may be burdensome to some small carriers, at least in part because some of the small carriers say that they do not know the identity of the receivers of the rail cars they handle. It asks the Board to carve out an exception for Class III rail carriers, and offers several suggestions, including a total exemption from the

[7] Additionally, demurrage charges can accrue at loading, prior to the creation of the bill of lading. This is yet another reason why the bill of lading should not govern demurrage liability.

actual notice provision, an exemption if the demurrage tariff is published on the Class III carrier's Web site, and a rebuttable presumption that the receiver was given actual notice or could have obtained such notice by accessing the tariff on the Class III carrier's Web site. But our rules are not absolute, by which we mean that they do not require the carrier to do anything; they simply say, as did the court in *Groves,* that a carrier may not collect demurrage from a party unless that party has first been given real notice of its potential liability. As a practical matter, a rail carrier that does not know the identity of its receivers cannot collect demurrage from those receivers today, so under the new regime such carriers will be in no different position than they are now. Finally, and most importantly, we are adopting these final rules in an effort to simplify the demurrage process and to provide uniformity in the area. These goals would not be met by creating different procedures for different classes of carriers.

Thus, our regulation at 49 CFR 1333.3 will require actual notice of the demurrage tariff to be electronic or in writing. Consistent with the NPR, in which we saw no reason to depart from the directives governing the form of carrier communications responding to shipper requests for rates, we will add language mirroring that found in 49 CFR 1300.3–4. Specifically, we are adding a sentence at the end of § 1333.3, which is set out in full in Appendix A, stating that ''[t]he notice required by this section may be in written or electronic form.''

Other Notice Issues: We were asked to clarify that proof of delivery of the written notice is sufficient to establish proof of actual notice. In other words, a carrier need not prove that a receiver read the tariff so long as the carrier can prove that it delivered the tariff to the receiver. Black's Law Dictionary defines actual notice as ''notice given directly to, or received personally by, a party.'' Consistent with this definition, we clarify here that proof of notice given directly to a party is sufficient to constitute ''actual notice'' under the rule.

Some comments raise concerns about receivers who have renamed or restructured their company, arguing that carriers may not be informed when a receiver changes its corporate name or has restructured, and that such a receiver should not be able to avoid demurrage liability on that basis simply because the carrier does not provide an additional notice to the renamed or restructured company. One commenter proposes that we create a safe harbor for carriers, asking that a carrier be deemed to have provided actual notice so long as, prior to delivery, it mailed a copy of its current demurrage tariff to the street address of the rail-served facility. This proposal is meant to prevent a receiver from disclaiming liability if the actual notice is not addressed to the correct legal name of the receiver.

Those concerns could arise in certain circumstances. It would seem inappropriate to allow the delivery of written notice to one entity at a particular street address to convey actual notice to all future entities at that address. But whether the renaming or restructuring of a corporate entity is sufficient to trigger the actual notice requirement appears to be highly contextual. We therefore decline to provide a bright line rule as to this issue, but rather find that such questions should be addressed in the context of a specific factual dispute.

Constructive Placement: In the ANPR, the Board sought comment on a variety of matters to assist it in developing an appropriate way to allocate demurrage liability. Of the many issues on which the Board specifically sought comment, one pertained to how warehousemen or similar non-owner receivers could best be made aware that they were liable for demurrage charges. As part of that inquiry, it asked whether actual or constructive placement of rail cars constituted adequate notice to the receiver. ANPR at 7. After reviewing comments in response to the ANPR, we issued the NPR detailing a specific proposal under which receivers would not incur demurrage liability unless they had been provided written or electronic notice of the demurrage tariff, thus moving away from the concept that placement in itself might constitute adequate notice. Nevertheless, the placement of rail cars does play one role under our rules. We stated in the NPR that liability does not begin unless a car is placed at the receiver's facility or proper notice of constructive placement is provided to the entity upon which liability is to be imposed. NPR at 10.

Certain comments on both the ANPR and the NPR suggest that constructive placement is a difficult issue for warehousemen. These comments argue that when warehousemen provide rail carriers with notice of reasonable operational constraints, which the carrier then disregards, it is unfair for a railroad to be able to claim constructive placement.

As we stated in the NPR, however, these types of issues are outside the scope of this proceeding. NPR at 6 n.16. The Board sought comment in the ANPR on the viability of placement as a mechanism for notice of demurrage liability, not on the practice of constructive placement generally. Although our rules state that demurrage liability does not begin until actual placement or proper notice of constructive placement, we decline to elaborate on what would constitute ''proper notice of constructive placement,'' as placement issues were not the focus of this proceeding. Receivers are free to avail themselves of the Board's alternative dispute resolution options or to pursue a complaint with the Board if they believe that the collection of demurrage charges against them is an unreasonable practice as a result of particular placement issues. *See, e.g., Capitol Materials, Inc.—Pet. for Declaratory Order—Certain Rates & Practices of Norfolk S. Ry.,* 7 S.T.B. 576, 584 (2004) (unreasonable practice claim relating to, among other things, placement); *R.R. Salvage & Restoration, Inc.—Pet. for Declaratory Order—Reasonableness of Demurrage Charges,* NOR 42102 (STB served July 20, 2010).

Avoidance of Disputes: We were asked to include a statement of agency support for mediation, arbitration, and the Rail Customer and Public Assistance Program for the resolution of demurrage disputes. We agree that demurrage is an area well-suited to alternative dispute resolution, which includes the informal mediation process conducted by the Board's Rail Customer and Public Assistance Program (RCPAP), formal mediation that attempts to negotiate an agreement resolving some or all of the issues in a dispute, and binding arbitration. In *Assessment of Mediation and Arbitration Procedures,* Docket No. EP 699 (STB served May 13, 2013), we adopted new rules governing mediation and arbitration. Disputes related to demurrage charges are one of four specifically enumerated areas that the Board deemed eligible for voluntary binding arbitration. Although mediation is not so limited in its scope, we believe that demurrage disputes are equally well-suited to mediation, both formally pursuant to our regulations at 49 CFR 1109 and informally through RCPAP. The Board's mediation and arbitration procedures may be found at 49 CFR 1109.1–4 and 1108.1–13, respectively.

Several parties also discussed the role of private contracts in avoiding demurrage disputes. Our rules specifically allow (but do not require) parties to enter into contracts pertaining to demurrage. The rules crafted here, though, are default rules only, meant to govern demurrage in the absence of a privately negotiated contract.

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, generally requires a description and analysis of new rules that would have a significant economic impact on a substantial number of small entities. In drafting a rule, an agency is required to: (1) Assess the effect that its regulation will have on small entities; (2) analyze effective alternatives that may minimize a regulation's impact; and (3) make the analysis available for public comment. Sections 601–604. In its notice of proposed rulemaking, the agency must either include an initial regulatory flexibility analysis, section 603(a), or certify that the proposed rule would not have a ''significant impact on a substantial number of small entities,'' section 605(b).[8] The impact must be a direct impact on small entities ''whose conduct is circumscribed or mandated'' by the proposed rule. *White Eagle Coop.* v. *Conner,* 553 F.3d 467, 480 (7th Cir. 2009).

In the NPR, the Board certified that the proposed rules would not have a significant impact on a substantial number of small entities. Nevertheless, by decision served on May 28, 2013, the Board issued an initial regulatory flexibility analysis (IRFA) and request for comments in order to explore further the impact, if any, of the proposed rules on small rail carriers. *Demurrage Liability,* EP 707 (STB served May 28, 2013). The Board received comments from the American Short Line and Regional Railroad Association (ASLRRA), which conducted a survey of small rail carriers, and the Small Railroad Business Owners Association of America. Having reviewed the comments, we now publish this final regulatory flexibility analysis.[9]

Description of the Reasons That Action by the Agency Is Being Considered

The Board instituted this proceeding in order to reexamine its existing policies on demurrage liability and to promote uniformity in the area in light of conflicting opinions from different circuits of the United States courts of appeals. The Board determined that it was necessary to revisit its demurrage precedent to consider whether the agency's policies accounted for current statutory provisions and commercial practices. This decision and the NPR both contain a more detailed description of the agency's historical regulation of demurrage, the conflicting opinions from the courts of appeals, and the Board's reasons for adopting the final rules.

Succinct Statement of the Objectives of, and Legal Basis for, the Final Rule

The objectives are to update our policies regarding responsibility for demurrage liability and to promote uniformity in the area by defining who is subject to demurrage. The legal basis for the proposed rule is 49 U.S.C. 721.

Description of and, Where Feasible, an Estimate of the Number of Small Entities to Which the Final Rule Will Apply

In general, the rule will apply to any rail carrier providing rail cars to a shipper at origin or delivering them to a receiver at end-point or intermediate destination who wishes to charge demurrage for the detention of rail cars beyond the free time. *See* Rule § 1333.3. The rule will apply to approximately 562 small rail carriers.

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Final Rule, Including an Estimate of the Classes of Small Entities That Will Be Subject to the Requirement and the Type of Professional Skills Necessary for Preparation of the Report or Record

The final rules require that rail carriers make certain third-party disclosures, i.e., provide persons receiving rail cars for loading or unloading with notice of the demurrage tariff, either electronically or in writing, in order to hold that person liable for demurrage charges. *See* Rule § 1333.3. The Board is seeking, pursuant to the Paperwork Reduction Act, approval from the Office of Management and Budget for this requirement. To provide this initial notice, rail carriers wishing to collect demurrage from their receivers may need to update their demurrage practices to conform to the final rules to the extent that their existing practices conflict with the rules.

In our decision requesting comments on the impact of the rules on small rail carriers, we estimated that small rail carriers had an average of 10 terminating stations and that the burden imposed would therefore be to provide 10 one-time notices. ASLRRA conducted a survey of small railroads regarding the impact of the rules in response to our request for comments. ASLRRA states that 55% of the respondents to its study have 25 or fewer customers. ASLRRA also stated that although some Class III rail carriers have the capability to provide written or electronic notice to their customers now, a subset of Class III rail carriers with either revenues of $2.5 million or less or a limited number of shippers would need to hire or equip personnel to undertake the task of providing notice of their demurrage tariff to their customers.

ASLRRA's study also indicates that some small rail carriers identify as ''handling carriers'' and do not know who the receiver of the rail cars is. Of the carriers surveyed, 38% responded that they either never know the name of the receiver or agent or only sometimes do. To provide actual notice under the rules, and thereby make themselves eligible to collect demurrage from their receivers, these carriers would be required to know the identity of the entity to which they are delivering rail cars. Current practice allows handling carriers to receive rail cars from Class I railroads and deliver them to receivers without knowing the receivers' identity. This practice is not an impediment to providing actual notice, but instead may be a byproduct of the current demurrage system, as it is not necessary for the handling carriers to know the identity of the receiver, unless it intends to collect demurrage. Even under the current system, a rail carrier that does not know the identity of its receivers cannot collect demurrage, so under the new regime such carriers will be in no different position than they are now. Nevertheless, to provide actual notice under the final rules, such knowledge would be necessary, and handling rail carriers, if they do not know the identity of the recipient of the cars, may contact the Class I carrier to receive that information.

Identification, to the Extent Practicable, of All Relevant Federal Rules That May Duplicate, Overlap, or Conflict With the Final Rule

The Board is unaware of any duplicative, overlapping, or conflicting federal rules.

[8] The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business. *See* 13 CFR 121.201. The SBA has established a size standard for rail transportation, stating that a line-haul railroad is considered small if its number of employees is 1,500 or less, and that a short line railroad is considered small if its number of employees is 500 or less. *Id.* (subsector 482).

[9] Pursuant to the Small Business and Work Opportunity Act of 2007, 15 U.S.C. 631 note, we are also publishing a Small Entity Compliance Guide on the Board's Web site at *www.stb.dot.gov.*

Description of any Significant Alternatives to the Final Rule That Accomplish the Stated Objectives of Applicable Statutes and That Minimize any Significant Economic Impact of the Proposed Rule on Small Entities, Including Alternatives Considered, Such as: (1) Establishment of Differing Compliance or Reporting Requirements or Timetables That Take Into Account the Resources Available to Small Entities; (2) Clarification, Consolidation, or Simplification of Compliance and Reporting Requirements Under the Rule for Such Small Entities; (3) Use of Performance Rather Than Design Standards; (4) any Exemption From Coverage of the Rule, or any Part Thereof, for Such Small Entities

Under the final rule, rail carriers are free to choose between providing notice electronically or in writing. In response to the NPR, many commenters suggested that notice could be fulfilled by providing a link to the notice, rather than the complete text of the notice of demurrage tariff. Additionally, some commenters also argued that a one-time notice should fulfill the notice requirement, as opposed to providing notice with every shipment. As we explain earlier in this decision, we agree with both of these suggestions, which will minimize the burden on rail carriers.

We considered establishing a different notice requirement for small rail carriers, or exempting small rail carriers from the notice requirement altogether, but rejected these alternatives because they would conflict with the primary goal of this rulemaking, which is to simplify the demurrage process in light of current practices and to promote uniformity in the area. To minimize the burden on small rail carriers, we did adopt several suggestions, described above. However, the goals of this rulemaking would not be met by creating an exemption for certain classes of carriers. Although ASLRRA's comments state that providing a one-time notice, with either the full tariff or a link to that tariff, may be burdensome to some small carriers, we believe that incorporating this relatively modest requirement into the carriers' regular business practices and customer communications will provide certainty in the event of a demurrage dispute. Thus, the procedures adopted here will provide notice in the event that a carrier wants to collect demurrage, which even today it can do only if it knows the identity of the party from whom it seeks to collect.

Paperwork Reduction Act. Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501–3520, and Office of Management and Budget (OMB) regulations at 5 CFR 1320.3(c), a disclosure requirement, such as the notification requirements in the final rule, falls within the definition of a ''collection of information,'' which must be approved by OMB. In the NPR, the Board sought comments pursuant to the PRA and OMB regulations at 5 CFR 1320.8(d)(1) and (3) regarding: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) 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, when appropriate. Comments relating to these issues are addressed above or in the Board's decision.

The proposed collection was submitted to OMB for review as required under the PRA, 44 U.S.C. 3507(d), and 5 CFR 1320.11. OMB withheld approval pending submission of the final rule. As also required under 5 CFR 1320.11, we are today submitting the collection contained in this final rule to OMB for approval. Once approval is received, we will publish a notice in the **Federal Register** stating the control number and the expiration date for this collection. Under the PRA and 5 CFR 1320.11, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

■ 1. The final rules will be effective on July 15, 2014.

■ 2. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.

List of Subjects in 49 CFR Part 1333

Demurrage, Railroads.

Decided: April 9, 2014.

By the Board, Chairman Elliott and Vice Chairman Begeman.

Jeffrey Herzig,

Clearance Clerk.

For the reasons set forth in the preamble, the Surface Transportation Board amends title 49, chapter X, subchapter D, of the Code of Federal Regulations by adding part 1333 to read as follows:

PART 1333—DEMURRAGE LIABILITY

Sec.
1333.1 Demurrage defined.
1333.2 Who may charge demurrage.
1333.3 Who is subject to demurrage.

Authority: 49 U.S.C. 721.

§ 1333.1 Demurrage defined.

Demurrage is a charge that both compensates rail carriers for the expenses incurred when rail cars are detained beyond a specified period of time (i.e., free time) for loading or unloading, and serves as a penalty for undue car detention to encourage the efficient use of rail cars in the rail network.

§ 1333.2 Who may charge demurrage.

Demurrage shall be assessed by the serving rail carrier, i.e., the rail carrier providing rail cars to a shipper at an origin point or delivering them to a receiver at an end-point or intermediate destination. A serving carrier and its customers (including those to which it delivers rail cars at origin or destination) may enter into contracts pertaining to demurrage, but in the absence of such contracts, demurrage will be governed by the demurrage tariff of the serving carrier.

§ 1333.3 Who is subject to demurrage.

Any person receiving rail cars from a rail carrier for loading or unloading who detains the cars beyond the period of free time set forth in the governing demurrage tariff may be held liable for demurrage if the carrier has provided that person with actual notice of the demurrage tariff providing for such liability prior to the placement of the rail cars. The notice required by this section shall be in written or electronic form.

[FR Doc. 2014–08454 Filed 4–15–14; 8:45 am]

BILLING CODE 4915–01–P

Proposed Rules

Federal Register
Vol. 79, No. 73
Wednesday, April 16, 2014

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0109; Notice No. 13–03 and Docket No. FAA–2013–0142; Notice No. 13–04]

RIN 2120–AK13, 2120–AK12

Harmonization of Airworthiness Standards—Miscellaneous Structures Requirements and Harmonization of Airworthiness Standards—Gust and Maneuver Load Requirements; Corrections

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rules; corrections.

SUMMARY: The Federal Aviation Administration (FAA) is correcting notice numbers that appear in the heading of two notices of proposed rulemakings published in the **Federal Register**. The publications are ''Harmonization of Airworthiness Standards—Miscellaneous Structures Requirements'' (78 FR 13835, March 1, 2013) and ''Harmonization of Airworthiness Standards—Gust and Maneuver Load Requirements'' (78 FR 31851, May 28, 2013). These actions address regulatory differences between the airworthiness standards of the FAA and the European Aviation Safety Agency, without affecting current industry design practices.

DATES: Effective on April 16, 2014.

FOR FURTHER INFORMATION CONTACT: Ralen Gao, Office of Rulemaking, ARM–209, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3168; fax (202) 267–5075; email *ralen.gao@faa.gov.*

SUPPLEMENTARY INFORMATION: The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** on March 1, 2013 (78 FR 13835) regarding certain airworthiness standards for transport category airplanes that would eliminate regulatory differences between the airworthiness standards of the FAA and the European Aviation Safety Agency (EASA). This document corrects an inadvertent notice number that appears in the heading of the publication of that NPRM.

The FAA published an NPRM in the **Federal Register** on May 28, 2013 (78 FR 31851), regarding certain airworthiness standards that would eliminate regulatory differences between the airworthiness standards of the FAA and the European Aviation Safety Agency (EASA). This document corrects an inadvertent notice number that appears in the heading of the publication of that NPRM. This incorrect notice number also appeared in the heading of two related correction documents published on June 24, 2013 and July 16, 2013.

Corrections

In FR Doc. 2013–04812, beginning on page 13835 in the **Federal Register** of March 1, 2013, make the following correction:

On page 13835, in the first column heading, change the notice number from ''25–137'' to ''13–03''.

In FR Doc. 2013–12445, beginning on page 31851 in the **Federal Register** of May 28, 2013, make the following correction:

On page 31851, in the first column heading, change the notice number from ''25–139'' to ''13–04''.

In FR Doc. C1–2013–12445, beginning on page 37722 in the **Federal Register** of June 24, 2013, make the following correction:

On page 37722, in the third column heading, change the notice number from ''25–139'' to ''13–04''.

Finally, in FR Doc. C2–2013–12445, beginning on page 42480 in the **Federal Register** of July 16, 2013, make the following correction:

On page 42480, in the first column second heading, change the notice number from ''25–139'' to ''13–04''.

Issued in Washington, DC, on April 10, 2014.

Lirio Liu

Director, Office of Rulemaking.

[FR Doc. 2014–08564 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0229; Directorate Identifier 2013–NM–186–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A300 and A310 series airplanes, and certain Model A300–600 series airplanes. This proposed AD was prompted by a review of certain repairs, which revealed that the structural integrity of the airplane could be affected if those repairs are not reworked. This proposed AD would require an inspection to identify certain repairs, and corrective action if necessary. We are proposing this AD to detect and correct certain repairs on the floor cross beams flange. If those repairs are not reworked, the structural integrity of the airplane could be negatively affected.

DATES: We must receive comments on this proposed AD by June 2, 2014.

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

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

For service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*;

Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0229; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, ANM–116, International Branch, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98507–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0229; Directorate Identifier 2013–NM–186–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0220, dated September 18, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 and A310 series airplanes, and certain Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The MCAI states:

> In the frame of the Extended Service Goal (ESG) activity, all existing Structural Repair Manual (SRM) repairs were reviewed. This analysis, which consisted in new static and fatigue calculations, revealed that some repairs were no longer applicable to some specific areas.
>
> These repairs, if not reworked, could affect the structural integrity of the aeroplane. To address the repairs on the floor cross beams flange, Airbus issued Alert Operator Transmission (AOT) A300–53A0392, AOT A300–53A6171 and AOT A310–53A2135. To address this unsafe condition, and further to the implementation of the Aging Aircraft Safety Rule (AASR), this [EASA] Airworthiness Directive requires a [general visual] inspection of the floor cross beams flange at frame (FR)11 and FR12A to identify SRM repairs and, depending on findings, accomplishment of corrective action [reworking the SRM repairs].

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0229.

Relevant Service Information

Airbus has issued the following service information. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

- All Operator Telex A300–53A0392, dated March 14, 2012 (for Model A300 series airplanes).
- All Operator Telex A300–53A6171, dated March 14, 2012 (for Model A300 B4–601, B4–603, B4–620, and B4–622; A300 B4–605R and B4–622R; A300 F4–605R and F4–622R airplanes; and A300 C4–605R Variant F airplanes).
- All Operator Telex A310–53A2135, dated March 14, 2012 (for Model A310 series airplanes).

FAA's Determination and Requirements of This Proposed AD

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

Repair Approvals

In many FAA transport ADs, when the service information specifies to contact the manufacturer for further instructions if certain discrepancies are found, we typically include in the AD a requirement to accomplish the action using a method approved by either the FAA or the State of Design Authority (or its delegated agent).

We have recently been notified that certain laws in other countries do not allow such delegation of authority, but some countries do recognize design approval organizations. In addition, we have become aware that some U.S. operators have used repair instructions that were previously approved by a State of Design Authority or a Design Approval Holder (DAH) as a method of compliance with this provision in FAA ADs. Frequently, in these cases, the previously approved repair instructions come from the airplane structural repair manual or the DAH repair approval statements that were not specifically developed to address the unsafe condition corrected by the AD. Using repair instructions that were not specifically approved for a particular AD creates the potential for doing repairs that were not developed to address the unsafe condition identified by the MCAI AD, the FAA AD, or the applicable service information, which could result in the unsafe condition not being fully corrected.

To prevent the use of repairs that were not specifically developed to correct the unsafe condition, certain requirements of this proposed AD would require that the repair approval specifically refer to the FAA AD. This change is intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we use the phrase ''its delegated agent, or the DAH with State of Design Authority design organization approval, as applicable'' in this proposed AD to refer to a DAH authorized to approve certain required repairs for this proposed AD.

Costs of Compliance

We estimate that this proposed AD affects 177 airplanes of U.S. registry.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $15,045, or $85 per product.

We have received no definitive data that would enable us to provide cost

estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2014–0229; Directorate Identifier 2013–NM–186–AD.

(a) Comments Due Date

We must receive comments by June 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category.

(1) Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes, all manufacturer serial numbers (MSNs).

(2) Model A300 B4–601, B4–603, B4–620, and B4–622; A300 B4–605R and B4–622R; A300 F4–605R and F4–622R airplanes; and A300 C4–605R Variant F airplanes; all MSNs, except those on which Airbus Modification 12699 has been embodied in production.

(3) Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes, all MSNs.

(d) Subject

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

(e) Reason

This AD was prompted by a review of repairs done using the structural repair manual (SRM), which revealed that the structural integrity of the airplane could be affected if certain SRM repairs are not re-worked. We are issuing this AD to detect and correct SRM repairs on the floor cross beams flange at frame (FR)11 and FR12A. If these SRM repairs are not reworked, the structural integrity of the airplane could be negatively affected.

(f) Compliance

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

(g) Inspection

(1) Within 30 months after the effective date of this AD: Do a general visual inspection of the floor cross beams flange at FR11 and FR12A to determine which SRM repairs have been done, in accordance with the instructions of the service information specified in paragraph (g)(1)(a), (g)(1)(b), or (g)(1)(c) of this AD, as applicable.

(a) For Model A300 series airplanes: Airbus All Operator Telex (AOT) A300–53A0392, dated March 14, 2012.

(b) For Model A300 B4–601, B4–603, B4–620, and B4–622; A300 B4–605R and B4–622R; A300 F4–605R and F4–622R airplanes; and A300 C4–605R Variant F airplanes: Airbus AOT A300–53A6171, dated March 14, 2012.

(c) For Model A310 series airplanes: Airbus AOT A310–53A2135, dated March 14, 2012.

(2) A review of airplane maintenance records is acceptable in lieu of the general visual inspection required by paragraph (g)(1) of this AD if the SRM repairs can be positively identified from that review.

(h) Repair

If, during the inspection required by paragraph (g) of this AD, it is determined that any SRM repair specified in paragraph 2 of the service information identified in paragraph (g)(1)(a), (g)(1)(b), or (g)(1)(c) of this AD, as applicable, has been done: Within 30 months after the effective date of this AD, rework the repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA (or its delegated agent, or the Design Approval Holder (DAH) with EASA design organization approval). For a repair method to be approved, the repair approval must specifically refer to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98507–3356; telephone (425) 227–2125; fax (425) 427–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they were approved by the State of Design Authority (or its delegated agent, or the DAH with a State of Design Authority's design organization approval, as applicable). For a repair method to be approved, the repair approval must specifically refer to this AD. You are required to ensure the product is airworthy before it is returned to service.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Airworthiness Directive 2013–0220, dated September 18, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0229.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice

Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on April 7, 2014.

John P. Piccola,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–08598 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0249; Directorate Identifier 2012–NM–211–AD]

RIN 2120–AA64

Airworthiness Directives; Learjet Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Learjet Inc. Model 45 airplanes. This proposed AD was prompted by reports of non-conforming windshield supports (coupe rails). This proposed AD would require a general visual inspection to detect gouging and scratches and to determine if a radius has been removed; an ultrasound inspection to measure the dimensions of the lower coupe rails; an eddy current inspection to detect cracks of the lower coupe rails; replacement of the lower coupe rails if necessary; and revision of the maintenance or inspection program, as applicable. We are proposing this AD to detect and correct non-conforming windshield supports, which could result in uncontrolled cabin depressurization. Non-conforming windshield supports could also compromise the capability of the windshield to withstand a bird strike.

DATES: We must receive comments on this proposed AD by June 2, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this proposed AD, contact Learjet, Inc., One Learjet Way, Wichita, KS 67209–2942; telephone 316–946–2000; fax 316–946–2220; email *ac.ict@aero.bombardier.com*; Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0249; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Paul Chapman, Aerospace Engineer, Airframe Branch, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, KS, 67209; phone: 316–946–4152; fax: 316–946–4152; email: *paul.chapman@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0249; Directorate Identifier 2012–NM–211–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We received reports of non-conforming windshield supports (coupe rails). Learjet Inc. identified windshield primary supports that do not meet their type design. The non-conforming windshield supports (coupe rails) might have been compromised during fuselage build or windshield installation. This condition, if not corrected, could result in uncontrolled cabin depressurization. Non-conforming windshield supports could also compromise the capability of the windshield to withstand a bird strike.

Relevant Service Information

We reviewed the following service information. The service information describe procedures for a detailed visual inspection to detect gouging and scratches and to determine if a radius has been removed; an ultrasound inspection to measure the dimensions of the lower coupe rails; an eddy current inspection to detect cracks of the lower coupe rails, replacement of the lower coupe rails if necessary; and revision of the maintenance or inspection program, as applicable.

- Chapter 4, Airworthiness Limitations, of the Bombardier Learjet 45 Maintenance Manual MM–104, Revision 57, dated June 11, 2012.
- Chapter 4, Airworthiness Limitations, of the Bombardier Learjet 40 Maintenance Manual MM–105, Revision 25, dated June 11, 2012.
- Bombardier Recommended Service Bulletin 40–56–03, Revision 1, dated October 15, 2012.
- Bombardier Recommended Service Bulletin 45–56–3, Revision 1, dated October 15, 2012.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 351 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	40 work-hours × $85 per hour = $3,400 per inspection cycle.	$77	$3,477 per inspection cycle.	$1,220,427 per inspection cycle
Maintenance or inspection program revision.	1 work hour × $85 per hour = $85.	None	$85	$29,835

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	500 work-hours (to replace both coupe rails) × $85 per hour = $42,500.	$15,000 (to replace both coupe rails).	$57,500 (to replace both coupe rails)

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Learjet Inc.: Docket No. FAA–2014–0249; Directorate Identifier 2012–NM–211–AD.

(a) Comments Due Date

We must receive comments by June 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Learjet Inc. Model 45 airplanes, certificated in any category, as identified in Bombardier Recommended Service Bulletin 40–56–03, Revision 1, dated October 15, 2012 (serial numbers (S/Ns) 45–2000 through 45–2120 inclusive, and S/Ns 45–2122 through 45–2130 inclusive); and Bombardier Recommended Service Bulletin 45–56–3, Revision 1, dated October 15, 2012 (S/Ns 45–005 through 45–427 inclusive).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of non-conforming windshield supports (coupe rails). We are issuing this AD to detect and correct non-conforming windshield supports, which could result in uncontrolled cabin depressurization. Non-conforming windshield supports could also compromise the capability of the windshield to withstand a bird strike.

(f) Compliance

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

(g) Inspections and Corrective Actions

Within 600 flight hours or 36 months after the effective date of this AD, whichever occurs first: Do the inspections specified in paragraphs (g)(1) through (g)(3) of this AD. Do all inspections and corrective actions specified in paragraphs (g)(1) through (g)(3) of this AD, in accordance with the Accomplishment Instructions of Bombardier Recommended Service Bulletin 40–56–03, Revision 1, dated October 15, 2012 (for S/Ns 45–2000 through 45–2120 inclusive, and 45–2122 through 45–2130 inclusive); or Bombardier Recommended Service Bulletin 45–56–3, Revision 1, dated October 15, 2012 (for S/Ns 45–005 through 45–427 inclusive).

(1) Do a general visual inspection of the coupe rails to detect gouging and scratches

and to determine whether a radius has been removed or damaged.

(i) If gouging or scratches are found, before further flight, burnish or blend the gouges and scratches.

(ii) If the radius has been removed or damaged, before further flight, restore the radius.

(2) Do an ultrasound inspection to measure the dimensions of the lower coupe rails.

(i) If the coupe rail has an ''X'' dimension of 0.246 (6.248 millimeters (mm)) or greater, and a ''Y'' dimension of 0.148 (3.759 mm) or greater, before further flight, identify the coupe rail, in accordance with table 1 of Bombardier Recommended Service Bulletin 40–56–03, Revision 1, dated October 15, 2012 (for S/Ns 45–2000 through 45–2120 inclusive, and S/Ns 45–2122 through 45–2130 inclusive); or Bombardier Recommended Service Bulletin 45–56–3, Revision 1, dated October 15, 2012 (for S/Ns 45–005 through 45–427 inclusive).

(ii) If the coupe rail has an ''X'' dimension between 0.246 (6.248 mm) and 0.166 (4.216 mm) or a ''Y'' dimension between 0.148 (3.759 mm) and 0.134 (3.403 mm), before further flight, identify the coupe rail, in accordance with table 2 of Bombardier Recommended Service Bulletin 40–56–03, Revision 1, dated October 15, 2012 (for S/Ns 45–2000 through 45–2120 inclusive, and S/Ns 45–2122 through 45–2130 inclusive); or Bombardier Recommended Service Bulletin 45–56–3, Revision 1, dated October 15, 2012 (for S/Ns 45–005 through 45–427 inclusive).

(iii) If any coupe rail ''X'' dimension is below 0.166 (4.216 mm) or ''Y'' dimension is below 0.134 (3.403 mm), before further flight, replace that coupe rail with a new coupe rail.

(3) Do a flange and radius eddy current inspection for cracks of the left-hand and right-hand lower coupe rails.

(i) If no crack is found, before further flight, mark the new data plate.

(ii) If any crack is found, before further flight, replace the coupe rail with a new coupe rail.

(h) Maintenance/Inspection Program Revision

Within 30 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, by incorporating the applicable inspection reference number (IRN) tasks identified in table 1 to this paragraph, as specified in Chapter 4, Airworthiness Limitations, of the applicable maintenance manual specified in table 1 to this paragraph. The initial task compliance time is the applicable initial compliance time specified in table 1 to this paragraph, or within 30 days after the effective date of this AD, whichever is later.

TABLE 1 TO PARAGRAPH (h) OF THIS AD—IRN TASK REVISION

Model—	IRN—	Initial Compliance Time—	Chapter 4 of—
Model 40 airplanes	U5323167	Within 600 flight hours or 36 months, whichever occurs first after the effective date of this AD.	Bombardier Learjet 40 Maintenance Manual MM–105, Revision 25, dated June 11, 2012.
Model 40 airplanes	U5323168	Within 5,000 flight hours after accomplishment of Bombardier Recommended Service Bulletin 40–56–03, Revision 1, dated October 15, 2012.	Bombardier Learjet 40 Maintenance Manual MM–105, Revision 25, dated June 11, 2012.
Model 45 airplanes	U5323167	Within 600 flight hours or 36 months, whichever occurs first after the effective date of this AD.	Bombardier Learjet 45 Maintenance Manual MM–104, Revision 57, dated June 11, 2012.
Model 45 airplanes	U5323168	Within 5,000 flight hours after accomplishment of Bombardier Recommended Service Bulletin 45–56–3, Revision 1, dated October 15, 2012.	Bombardier Learjet 45 Maintenance Manual MM–104, Revision 57, dated June 11, 2012.

(i) No Alternative Actions and Intervals

After accomplishing the revision required by paragraph (h) of this AD, no alternative IRN task or interval may be used unless the IRN task or interval is approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

(1) For more information about this AD, contact Paul Chapman, Aerospace Engineer, Airframe Branch, FAA, Wichita ACO, 1801 Airport Road, Room 100, Wichita, KS 67209; phone: 316–946–4152; fax: 316–946–4152; email: *paul.chapman@faa.gov.*

(2) For service information identified in this AD, contact Learjet, Inc., One Learjet Way, Wichita, KS 67209–2942; telephone 316–946–2000; fax 316–946–2220; email *ac.ict@aero.bombardier.com*; Internet *http://www.bombardier.com.* You may view the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on April 1, 2014.

Michael J. Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–08605 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2014–OSERS–0018]

Proposed Priority—National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers

[CFDA Number: 84.133E–4.]

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Proposed priority.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority for the Disability and Rehabilitation Research Projects and Centers Program administered by the National Institute on Disability and Rehabilitation Research (NIDRR). Specifically, this notice proposes a priority for a Rehabilitation Engineering Research Center (RERC) on Improving the Accessibility, Usability, and Performance of Technology for Individuals who are Deaf or Hard of Hearing. We take this action to focus research attention on areas of national need. We intend to use this priority to improve rehabilitation services and outcomes for individuals with disabilities.

DATES: We must receive your comments on or before May 16, 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: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202–2700. Telephone: (202) 245–6211 or by email: *patricia.barrett@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: This notice of proposed priority is in concert with NIDRR's currently approved Long-Range Plan (Plan). The Plan, which was published in the **Federal Register** on April 4, 2013 (78 FR 20299), can be accessed on the Internet at the following site: *www.ed.gov/about/offices/list/osers/nidrr/policy.html.*

The Plan identifies a need for research and training in a number of areas, including issues related to individuals with hearing impairments. To address this need, NIDRR seeks to: (1) Improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of research findings, expertise, and other information to advance knowledge and understanding of the needs of individuals with disabilities and their family members, including those from among traditionally underserved populations; (3) determine effective practices, programs, and policies to improve community living and participation, employment, and health and function outcomes for individuals with disabilities of all ages; (4) identify research gaps and areas for promising research investments; (5) identify and promote effective mechanisms for integrating research and practice; and (6) disseminate research findings to all major stakeholder groups, including individuals with disabilities and their families in formats that are appropriate and meaningful to them.

This notice proposes a priority that NIDRR intends to use for competitions in FY 2014 and possibly in later years. NIDRR is under no obligation to make awards for this priority. The decision to make an award will be based on the quality of applications received and available funding.

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final priority, we urge you to identify clearly the specific topic 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 proposed priority in Room 5142, 550 12th Street SW., PCP, 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 Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities. This program is also intended to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Engineering Research Centers (RERCs) Program

The purpose of NIDRR's RERCs program, which is funded through the Disability and Rehabilitation Research Projects and Centers Program, is to improve the effectiveness of services authorized under the Rehabilitation Act. It does so by conducting advanced engineering research, developing and evaluating innovative technologies, facilitating service delivery system changes, stimulating the production and distribution of new technologies and equipment in the private sector, and providing training opportunities. RERCs seek to solve rehabilitation problems and remove environmental barriers to improvements in employment, community living and participation, and health and function outcomes of individuals with disabilities.

The general requirements for RERCs are set out in subpart D of 34 CFR part 350 (What Rehabilitation Engineering Research Centers Does the Secretary Assist?).

Additional information on the RERCs program can be found at: *www.ed.gov/rschstat/research/pubs/index.html.*

Program Authority: 29 U.S.C. 762(g) and 764(b)(3).

Applicable Program Regulations: 34 CFR part 350.

Proposed Priority

This notice contains one proposed priority.

Improving the Accessibility, Usability, and Performance of Technology for Individuals who are Deaf or Hard of Hearing.

Background

The World Health Organization (WHO) defines hearing loss as the inability to hear sounds of 25 decibels (dB) or less. According to this definition, one in five Americans over the age of 12 has hearing loss in at least one ear (Lin, et al., 2011). This figure translates to roughly 48 million Americans, and the number is expected to rise as the population ages (Lin, et al., 2011). Hearing loss can affect people's lives in a number of areas, including education, transition from school to work, employment, participation in the community, and general social and emotional well-being (Kochkin, 2010b).

However, successful auditory enhancement technologies have been shown to improve the quality of life for people with hearing loss (Fellinger, et al., 2012; Kochkin, 2010b).

Research and development of technologies that address hearing loss has produced advances in areas such as digital and wireless hearing aids, assistive technologies, cochlear and middle ear implants, and aural rehabilitation; however, research and development needs remain. For example, research has indicated that while 95 percent of people with hearing loss can benefit from hearing aids, only an estimated 20 to 25 percent actually use them (Fischer, et al., 2011). Commonly cited technology limitations that negatively affect overall consumer satisfaction ratings with hearing aids include difficulty with volume control, reduced benefit in noisy environments, and insufficient transferability across settings (Kochkin, 2010a).

Research and development is needed in other areas as well. Assistive listening devices (e.g., FM systems, infrared systems, and audio induction loop systems) have significant limitations in their portability, usability, and performance, particularly during group discussions (Harkins & Tucker, 2007). More research and development is needed on cochlear and middle ear implants to optimize performance and benefits in a variety of settings (Peterson, et al., 2010).

In addition to technologies that address the physiological challenges of hearing loss, other technologies exist that focus on improving access to auditory information through alternate methods. For example, captioning technology provides access to the auditory content of multimedia for individuals who are deaf or hard of hearing through a simultaneous display of text and sound or pictures (Wald, 2010). This kind of technology can be used in multiple formats (e.g., pre-recorded or real-time) and in a variety of entertainment, educational, workplace, community, and recreational settings; however, there are cost and time considerations for manual captioning. Research indicates that automatic speech recognition technology may address some of these considerations, but concerns remain regarding accuracy of this software (Wald, 2010). For all the reasons cited above, NIDRR seeks to fund an RERC to develop, refine, and evaluate technologies for individuals who are deaf or hard of hearing.

References

Fellinger, J., Holzinger, D., & Pollard, R. (2012). Mental health of deaf people. The Lancet, 379, 1037–1044.

Fischer, M., Cruickshanks, K.J., Wiley, T., Klein, B.E.K., Klein, R., & Tweed, T.S. (2011). Determinants of hearing aid acquisition in older adults. American Journal of Public Health, 101(8), 1449–1455.

Harkins, J., & Tucker, P. (2007). An internet survey of individuals with hearing loss regarding assistive listening devices. Trends in Amplification, 11(2), 91–100.

Kochkin, S. (2010a). MarkeTrak VIII: Consumer satisfaction with hearing aids is slowly increasing. Hearing Journal, 63(1), 19–24.

Kochkin, S. (2010b). MarkeTrak VIII: The efficacy of hearing aids in achieving compensation equity in the workplace. Hearing Journal, 63(10), 19–26.

Lin, F.R., Niparko, J.K., & Ferrucci, L. (2011). Hearing loss prevalence in the United States. Archives of Internal Medicine, 171(20), 1851–1853.

Peterson, N.R., Pisoni, D.B., & Miyamoto, R.T. (2010). Cochlear implants and spoken language processing abilities: Review and assessment of the literature. Medicine, Clinical Neurology and Exercise & Occupational Therapy, 28(2), 237–250.

Wald, M. (2010). Synote: Accessible and Assistive Technology Enhancing Learning for All Students. ICCHP 2010, Part II, LNCS 6180, 177–184.

Proposed Priority

The Assistant Secretary for Special Education and Rehabilitative Services proposes the following priority for the establishment of a Rehabilitation Engineering Research Center (RERC) on Improving the Accessibility, Usability, and Performance of Technology for Individuals who are Deaf or Hard of Hearing. The RERC must focus on innovative technological solutions, new knowledge, and concepts that will improve the lives of individuals who are deaf or hard of hearing.

Under this priority, the RERC must research, develop, and evaluate technologies, methods, and systems that will improve the accessibility, usability, and performance of technologies that benefit individuals who are deaf or hard of hearing. This includes:

(a) Improving technological and design features (e.g., device fit and comfort, ease of control) in order to maximize adoption and use of auditory enhancement devices;

(b) Improving the compatibility of auditory enhancement technologies with other technologies such as mobile devices, telephones, televisions and other media devices);

(c) Improving the performance of auditory enhancement devices and other access-promoting technology (e.g., voice to sign computer, smart phone applications, or portable real-time captioning applications) in social environments (e.g., school, work, recreation, and entertainment); and

(d) Enhancing aural rehabilitation and consumer involvement strategies (e.g., online access to peer and expert input on auditory technologies and communication strategies, consumer focus groups and surveys, and consumer beta testing and review of products) to maximize access to auditory information in a variety of settings (e.g, educational, recreational, community, and workplace). The RERC must involve key stakeholders in the design and implementation of RERC activities.

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 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 justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this proposed priority 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.

The benefits of the Disability and Rehabilitation Research Projects and Centers Programs have been well established over the years, as projects similar to the one envisioned by the proposed priority have been completed successfully. Establishing new RERCs based on the proposed priority would generate new knowledge through research and development and improve the lives of individuals with disabilities. The RERC that would be established under this proposed priority would generate, disseminate, and promote the use of new information that would improve the options for individuals with disabilities to fully participate in their communities.

Intergovernmental Review: This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363.

If you use a TDD or TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 10, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–08559 Filed 4–15–14; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2012–0366; FRL–9909–48–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Indiana; Particulate Matter Limitations for Coating Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Indiana State Implementation Plan (SIP) under the Clean Air Act (CAA). The particulate matter (PM) rules that were submitted consist of emission control requirements for coating operations along with exemptions from certain coating operations that produce minimal PM emissions. EPA is also proposing to take no action on one section submitted by

Indiana, as it pertains to a definition in an unapproved portion of Indiana's Title V regulations. Indiana submitted this request to approve PM rules on April 27, 2012.

DATES: Comments must be received on or before May 16, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2012–0366, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov.*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2012–0366. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to Section I of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Matt Rau, Environmental Engineer, at (312) 886–6524 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6524, *rau.matthew@epa.gov.*

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

I. What should I consider as I prepare my comments for EPA?
II. What is the background for this action?
III. What is EPA's analysis?
IV. What action is EPA proposing to take?
V. Statutory and executive order reviews

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

When submitting comments, remember to:

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

II. What is the background for this action?

On April 27, 2012, Indiana submitted a request to revise its SIP under the CAA to incorporate the revised rules. Specifically, Indiana requested that EPA approve the following sections as part of the SIP: 326 Indiana Administrative Code (IAC) 6–3–1, 326 IAC 6.5–1–1, 326 IAC 6.5–1–2, 326 IAC 6.5–1–5, 326 IAC 6.5–1–6, 326 IAC 6.8–1–1, 326 IAC 6.8–1–2, 326 IAC 6.8–1–5, and 326 IAC 6.8–1–6. These provisions would replace requirements that EPA has previously been approved into the Indiana SIP. EPA approved 326 IAC 6–3 on July 25, 2005 (70 FR 42495). EPA approved the addition of 326 IAC 6.5 and 326 IAC 6.8 into the Indiana SIP on March 22, 2006 (71 FR 14383). EPA approved subsequent revisions of sections of 326 IAC 6.5 and 326 IAC 6.8 into the Indiana SIP on April 30, 2008 (73 FR 23356).

Article 6 of 326 IAC contains Indiana's PM rules. Article 6.5 of 326 IAC contains statewide PM emission limitations except for Lake County and Article 6.8 of 326 IAC provides the PM emission limits for Lake County sources.

The language Indiana added in 326 IAC 6.5–1–2(h) and 326 IAC 6.8–1–2(h) is very similar to the language in 326 IAC 6–3–2(d). As noted, EPA approved 326 IAC 6–3 including 326 IAC 6–3–2(d) on July 25, 2005 (70 FR 42495).

III. What is EPA's analysis?

Indiana made the same revisions to the rules of 326 IAC 6.5–1 and 326 IAC 6.8–1. Thus, EPA analyzed the revisions to the same rules and sections of 326 IAC 6.5–1 and 326 IAC 6.8–1 together and concluded that the changes were acceptable in both regulations.

A. Applicability: 326 IAC 6–3–1; 326 IAC 6.5–1–1; 326 IAC 6.8–1–1

In 326 IAC 6–3–1, Indiana revised two sections. Indiana submitted a revision to 326 IAC 6–3–1(b)(13) to reference the definition of trivial activities as found in

326 IAC 2–7–1, part of Indiana's Title V rules. The definition of ''trivial activities'' is not currently in either Indiana's Title V permitting program or SIP. For that reason, EPA is proposing to take no action at this time on the revision of 326 IAC 6–3–1(b)(13). It should be noted that the term ''trivial activities'' is not contained in any of the regulations that EPA is approving in this action.

Indiana moved a phrase in 326 IAC 6–3–1(c) to improve clarity. There is no material change from what is approved into the Indiana SIP and thus EPA is proposing approval of the 326 IAC 6–3–1(c) revision.

Indiana revised both 326 IAC 6.5–1–1 and 326 IAC 6.8–1–1 by adding a new subsection (c) that exempts certain surface coating operations from PM emission limits. The exempt processes are dip coating, roll coating, flow coating, and brush coating. The primary emissions of concern from surface coating are the volatile organic compound emissions that arise from solvent evaporation. PM emissions from coatings primarily are from overspray, the fine coating droplets that are not applied as desired. Overspray, the portion of coating solids that does not land on the item and is exhausted as PM emissions, is common on spray coating operations but is not an issue with the four exempt coating methods: Dip coating, roll coating, flow coating, and brush coating. EPA expects minimal PM emission will occur from the exempted coating methods and thus is proposing to approve the exemptions.

Indiana also included in 326 IAC 6.5–1–1(c) and 326 IAC 6.8–1–1(c) an exemption from the PM limits for facilities that use less than five gallons of coating per day. EPA is satisfied that facilities that use less than five gallons of coating daily will have *de minimis* PM emissions because of the limited potential for overspray. Thus, EPA is proposing to approve the exemptions from PM limits in these cases.

The remaining changes to 326 IAC 6.5–1–1 and 326 IAC 6.8–1–1 are simply updates to the section references from the version approved into the Indiana SIP. For example, 326 IAC 6.5–1–1(c) became 326 IAC 6.5–1–1(d) and 326 IAC 6.8–1–1(c) became 326 IAC 6.8–1–1(d) following the addition of a new section (c) in both articles.

B. Particulate Emission Limitations, Modifications by Commissioner: 326 IAC 6.5–1–2; 326 IAC 6.8–1–2

Indiana also revised both 326 IAC 6.5–1–2 and 326 IAC 6.8–1–2. Indiana made revisions by rewording and moving phrases to 326 IAC 6.5–1–2(a), (b), (c), (d), and (e). Identical revisions were made to 326 IAC 6.8–1–2(a), (b), (c), (d), and (e). The changes to the revised sections are insubstantial when compared to the approved sections.

Indiana added requirements for PM emission controls on surface coating operations in 326 IAC 6.5–1–2(h) and 326 IAC 6.8–1–2(h). Sources are required to operate a dry particulate filter, a water wash, or an equivalent PM control device. If overspray occurs, 326 IAC 6.5–1–2(h)(2) and 326 IAC 6.8–1–2(h)(2) require the source to inspect and repair the control device or adjust operations to eliminate the overspray within four hours. The source must keep a record of its action to remedy the overspray. Select sources are allowed under 326 IAC 6.5–1–2(h)(3) and 326 IAC 6.8–1–2(h)(3) to follow the control device inspection and repair requirements in its permit if overspray is detected in place of the general control device inspection and repair requirements in 326 IAC 6.5–1–2(h)(2) and 326 IAC 6.8–1–2(h)(2). As usual, the most stringent requirement applies and thus the permit requirements must be at least as stringent as the requirements in 326 IAC 6.5–1–2(h)(2) and 326 IAC 6.8–1–2(h)(2). EPA finds that the addition of the PM emission control requirement for coating operations to be satisfactory and thus is proposing approval. The requirements of these sections will require any sources lacking the requirement to take corrective action once overspray is detected. Overspray is sign that the control equipment is not properly operating.

Indiana further added, at 326 IAC 6.5–1–2(h)(4) and 326 IAC 6.8–1–2(h)(4), a provision that if a facility increases its use of coatings to exceed five gallons per day, it is no longer exempt from the regulation; and Indiana must require appropriate PM emissions controls, even if the source subsequently reduces its coating use back to using less than five gallons of coating per day. Indiana's Federally approved permitting rules require each source to keep records for ensuring compliance with applicable emission limits. Therefore, each source will be required in its permits (title V or Federally enforceable state operating permit) to maintain records of its coating usage to establish applicability according to the criteria in 326 IAC 6.5–1–2(h)(4) or 326 IAC 6.8–1–2(h)(4).

Indiana renamed 326 IAC 6.5–1–2(h) to 326 IAC 6.5–1–2(i) and 326 IAC 6.5–1–2(i) to 326 IAC 6.5–1–2(j) following the addition of the new 326 IAC 6.5–1–2(h). Identical section renaming was also made in 326 IAC 6.8–1–2. EPA is proposing to approve the addition of 326 IAC 6.5–1–2(h) and 326 IAC 6.8–1–2(h) along with the revision to the other sections of 326 IAC 6.5–1–2 and 326 IAC 6.8–1–2 into the Indiana SIP.

C. Control Strategies and SIP Revisions: 326 IAC 6.5–1–5; 326 IAC 6.5–1–6; 326 IAC 6.8–1–5; 326 IAC 6.8–1–6

References to other rule sections in 326 IAC 6.5–1–5, 326 IAC 6.5–1–6, 326 IAC 6.8–1–5, and 326 IAC 6.8–1–6 were updated to reflect the revised section and subsection numbering in the referenced rules. The revisions improve the clarity of the rules with clear language and current references without changing the PM limits or any requirements that have previously been approved. 326 IAC 6.5–1–6 and 326 IAC 6.8–1–6 specifically require that any exemptions or provisions granted by the state in sections 2(a), 2(g), 2(i), 2(j), 4, and 5 of the rule shall be submitted to EPA as revisions to the SIP. Thus, EPA is proposing to approve the modifications to 326 IAC 6.5–1–5, 326 IAC 6.5–1–6, 326 IAC 6.8–1–5, and 326 IAC 6.8–1–6 into the Indiana SIP.

IV. What action is EPA proposing to take?

EPA is proposing to approve into the Indiana SIP revisions to PM rules submitted by Indiana on April 27, 2012. These revisions add PM control requirements for coating operations. The other primary revisions provide PM limit exemptions for coating operations that produce minimal PM emissions. The remaining modifications are clerical revisions that increase the lucidity of the rules without altering the PM limits.

Specifically, EPA is proposing approval of 326 IAC 6–3–1(c), 326 IAC 6.5–1–1, 326 IAC 6.5–1–2, 326 IAC 6.5–1–5, 326 IAC 6.5–1–6, 326 IAC 6.8–1–1, 326 IAC 6.8–1–2, 326 IAC 6.8–1–5, and 326 IAC 6.8–1–6. EPA is proposing to take no action on 326 IAC 6–3–1(b).

V. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under

Executive Order 12866 (58 FR 51735, October 4, 1993);

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

Dated: April 3, 2014.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2014–08638 Filed 4–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2014–0241; FRL–9909–49–Region 8]

Partial Approval and Partial Disapproval and Promulgation of Air Quality Implementation Plans; South Dakota; Revisions to South Dakota Administrative Code; Permit: New and Modified Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to partially approve and partially disapprove State Implementation Plan (SIP) revisions submitted by the State of South Dakota on June 14, 2010, June 20, 2011, and July 29, 2013. All three SIP revisions revise the Administrative Rules of South Dakota (ARSD) that pertain to the issuance of South Dakota air quality permits; in addition the June 14, 2010 submittal revises certain definitions and dates of incorporation by reference. The June 14, 2010 revisions contain new, amended and renumbered rules; the June 20, 2011 revisions contain new rules, and the July 29, 2013 revisions contain amended rules. In this proposed rulemaking, we are taking action on the entire June 14, 2010 submittal, except for those portions of the submittal which do not belong in the SIP. We are also taking action on portions of the June 20, 2011 submittal that were not acted on in other rulemaking regarding greenhouse gases and the State's Prevention of Significant Deterioration (PSD) program. We are taking action on portions of the July 29, 2013 submittal that supersede portions of the two previous submittals; the remainder of the July 29, 2013 submittal will be acted on at a later date. This action is being taken under section 110 of the Clean Air Act (CAA).

DATES: Comments must be received on or before May 16, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2014–0241, by one of the following methods:

• *www.regulations.gov.* Follow the on-line instructions for submitting comments.

• Email: *leone.kevin@epa.gov*

• Fax: (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).

• Mail: Carl Daly, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.

• Hand Delivery: Carl Daly, Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2014–0241. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA, without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* For additional instructions on submitting comments, go to section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly

available only in hard copy. Publicly-available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Kevin Leone, Air Program, Mailcode 8P–AR, Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6227, or *leone.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION:

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II. Background
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Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The initials *ARSD* mean or refer to the Administrative Rules of South Dakota.

(iii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iv) The initials *NAAQS* mean or refer to National Ambient Air Quality Standard.

(v) The initials *NESHAP* mean or refer to National Emission Standards for Hazardous Air Pollutant.

(vi) The initials *NSPS* mean or refer to New Source Performance Standard.

(vii) The initials *NSR* mean or refer to New Source Review.

(viii) The initials *PSD* mean or refer to prevention of significant deterioration.

(ix) The initials *SIP* mean or refer to State Implementation Plan.

(x) The words *State* or *South Dakota* mean the State of South Dakota, unless the context indicates otherwise.

I. General Information

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

1. *Submitting CBI.* Do not submit this information to EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

b. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

c. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

d. Describe any assumptions and provide any technical information and/or data that you used.

e. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

f. Provide specific examples to illustrate your concerns, and suggest alternatives.

g. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

h. Make sure to submit your comments by the comment period deadline identified.

II. Background

South Dakota's June 14, 2010, submittal consists of four groups of rule changes: (1) Revisions to the definitions associated with the Air Pollution Control Program to ensure the definitions are current and consistent with other chapters in the regulations. These revisions include: grammatical changes, renumbering, modified definitions, new definitions and deleted definitions; (2) Revisions to the date of federal regulations referenced throughout ARSD Article 74:36; (3) Addition of a construction permit program for new minor sources and minor modifications to existing sources, created by adding new Chapter 74:36:20 (Construction Permits for New Sources or Modifications); and (4) Revisions to the minor source operating permit programs to incorporate the changes associated with the new proposed construction permit program.[1]

In South Dakota's current regulations in ARSD Article 74:36, the minor source construction permit and operating permit programs are combined so, in practice, a source receives one permit from the State which serves as both a construction and operating permit.[2] The revisions in the June 14, 2010 submittal separate the two programs into a new minor source construction permit program and a minor source operating permit program. Under the new revisions, a source would first apply for a construction permit before applying for an operating permit. A cross-walk table, which discusses the rule revisions in Article 74:36 individually, and the action we are proposing, is included in the docket for this rulemaking.

South Dakota's June 14, 2010, submittal also contains rule revisions that are generally not included in SIPs. These rules, which we are not taking action on here (i.e. New Source Performance Standards (NSPS), operating permits for part 70 sources, etc.), are outlined in the cross-walk table located in the docket for this rulemaking.

South Dakota's June 20, 2011, submittal includes the following rule revisions: (1) Revises Sections 74:36:01:01, 74:36:01:08, 74:36:01:15 and 74:36:09:02 to comply with EPA's Greenhouse Gas Tailoring Rule. Revisions to Sections 74:36:01:08, 74:36:01:15 and 74:36:09:02 have been proposed;[3] EPA is proposing action on 74:36:01:01 in this rulemaking; (2) Revises Chapter 74:36:20 by revising Section 74:36:20:02 (Construction Permits Required); and (3) Adds new Section 74:36:20:02.01 (Initiating Construction Prior to Permit Issuance). Section 74:36:20:02.01 allows sources who meet certain conditions to start construction prior to receiving a permit provided they meet the requirements in that section. EPA is proposing action on

[1] Under a proposed consent decree, by May 30, 2014, EPA is required to sign a notice of final action to approve, disapprove, approve in part and disapprove in part, or conditionally approve this June 14, 2010 SIP submittal. *WildEarth Guardians* v. *EPA,* Civil Action No. 1:12–cv–03307 (D. Colo.).

[2] For major sources and major modifications, the State already has two SIP-approved construction permit programs (PSD and nonattainment NSR) and, separately for major sources, a title V operating permit program that has been approved through the title V (not the SIP) process.

[3] On February 11, 2014 (79 FR 8130) EPA proposed action on these provisions. EPA signed a final action on March 24, 2014.

74:36:20:02 and 74:36:20:02.01 in this rulemaking.[4]

With respect to South Dakota's July 29, 2013 submittal, we are only proposing action on the following revisions: (1) Section 74:36:04:03.01 (Minor Source Operating Permit Variance); and (2) 74:36:10 (New Source Review).

III. What action is EPA taking?

EPA is proposing to approve all revisions as submitted by South Dakota on June 14, 2010, except we are not acting on those portions of the submittal which do not belong in the SIP. EPA is proposing to partially approve and partially disapprove the revisions submitted on June 20, 2011. We are also proposing to approve portions of South Dakota's July 29, 2013, submittal as outlined in Section II of this rulemaking.

June 14, 2010 SIP Submittal

74:36:01:01 (Definitions)

We are proposing to approve all changes in this section as outlined in the crosswalk table (see docket).

74:36:01:02 (Ambient Air Quality)

We are proposing to approve changes in this section, which updates the federal reference.

74:36:01:03 (Air Quality Episodes)

We are proposing to approve changes in this section, which updates the federal reference.

74:36:04 (Operating Permits for Minor Sources)

We are proposing to approve all changes in this section. The modifications in this section were made to revise the minor source operating permit program to incorporate the changes associated with the new proposed construction permit program. As outlined in the crosswalk table, these changes include: (1) Grammatical changes which do not significantly change the meaning of the rule; (2) Updates to the federal references; and (3) re-organization of the rules. A few specific issues of note are discussed below:

74:36:04:03 (Emission Unit Exemptions)

In 74:36:04:03(6), South Dakota added an emission unit exemption for ''routine housekeeping or plant upkeep activities such as painting buildings, retarring roofs or paving parking lots.'' EPA asked South Dakota to clarify that they consider these activities to be *de minimis* in nature. South Dakota sent a letter to EPA dated March 18, 2014, clarifying that they consider these activities to be *de minimis* in nature (see docket). As explained in the letter, before South Dakota adopted the requirements for an air quality construction permit program, the construction and operating permit programs were combined for those facilities not required to obtain a PSD preconstruction permit. When South Dakota decided to separate the two programs, the insignificant activity list was incorporated into both programs. Routine housekeeping and plant upkeep had not originally been listed in the combined construction and operating permit program for minor sources because these activities were considered fugitive sources which are not regulated under the minor source program. We interpret the State's listing of these activities as insignificant to characterize these emissions as *de minimis* with respect to attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) and thus appropriate for permitting exemptions. Thus, when the State decided to separate the construction and operating permit program, it was decided to include exemptions for routine housekeeping and plant upkeep in the minor operating permit program as well as for the new construction permit program. In particular the example activities of painting buildings, retarring roofs, or paving parking lots appear to be *de minimis.* Based on the State's letter, EPA proposes to approve this exemption.

74:36:04:03.01 (Minor Source Operating Permit Variance)

This rule was superseded by the subsequent July 29, 2013, submittal and we are proposing action on the rule elsewhere in this notice.

74:36:04:32 (General Permits)

In 74:36:04:32, EPA asked the State to clarify how they can ensure that the issuance of a general permit does not interfere with the NAAQS or any other requirements of the CAA. South Dakota sent a letter to EPA clarifying how their regulations ensure that construction of a source which applied for a general permit will not interfere with the NAAQS or any other requirement of the CAA (see docket). When issuing a general permit, the State applies the standard in 74:36:04:04 to determine that the permit will not interfere with the NAAQS. The permits are issued for a five-year period. Before renewing a general permit, the State considers whether renewal will interfere with the NAAQS or other applicable requirements. Based on this clarification, EPA proposes to approve South Dakota's general permit provisions. In particular, EPA notes that the limited lifespan of a general permit helps to protect the NAAQS from unanticipated growth in a source category.

74:36:05 (Operating Permits for Part 70 Sources)

We are not taking action on this section because part 70 provisions are not a required component under section 110 of the CAA. Instead, we approve operating permit regulations under our operating permit regulations at 40 CFR part 70.

74:36:07 (New Source Performance Standards)

We are not taking action on this section because NSPS are not a required component under section 110 of the CAA.

74:36:08 (National Emission Standards for Hazardous Air Pollutants)

We are not taking action on this section because National Emission Standards for Hazardous Air Pollutants (NESHAPs) are not a required component under section 110 of the CAA.

74:36:09 (Prevention of Significant Deterioration)

The proposed changes were acted on in 76 FR 43912 (July 22, 2011).

74:36:10 (New Source Review)

The proposed changes are superseded by the July 29, 2013 submittal. We are acting on the proposed changes to 74:36:10 as submitted on July 29, 2013.

74:36:11 (Performance Testing)

We are proposing to approve changes in this section, which updates the federal reference.

74:36:12 (Control of Visible Emissions)

We are proposing to approve changes in this section, which updates the federal reference.

74:36:13 (Continuous Emissions Monitoring)

We are proposing to approve changes in this section, which updates the federal reference.

74:36:16 (Acid Rain Program)

We are not taking action on this section because the Acid Rain Program

[4] Under a proposed consent decree, by May 30, 2014, EPA is required to sign a notice of final action to approve, disapprove, approve in part and disapprove in part, or conditionally approve this June 20, 2011 SIP submittal. *WildEarth Guardians* v. *EPA,* Civil Action No. 1:12–cv–03307 (D. Colo.).

is not a required component under section 110 of the CAA.

74:36:18 (Regulations for State Facilities in the Rapid City Area)

We are proposing to approve changes in this section, which updates the visible emission test method to EPA Method 9 in 40 CFR part 60, Appendix A (July 1, 2009).

74:36:19 (Mercury Budget Trading Program)

We are not taking action on this section because it is not a required SIP component under section 110 of the CAA.

74:36:20 (Construction Permits for New Sources or Modifications)

We are proposing to approve this new section because it meets the requirements of the CAA and 40 CFR 51.160 and 161. In particular:

(1) 74:36:20:02 (Construction Permit Required) requires a construction permit before a source can construct, install, modify or operate a source or unit. Note that, as discussed separately below, this requirement was modified in the June 20, 2011 SIP submittal.

(2) 74:36:20:05 (Standard for issuance of construction permit) states that a construction permit will be issued only if it has been shown that the operation of the new source or modification to an existing source will not prevent or interfere with the attainment or maintenance of an applicable NAAQS.

(3) 74:36:20:06 (Timely and complete application for a construction permit required) allows the State or local agency to determine whether or not the construction or modification of a facility will interfere with the NAAQS or control strategy.

(4) 74:36:20:10 (Time period for department's recommendation) allows the State or local agency to prevent the construction or modification of a facility if it will interfere with the NAAQS or control strategy.

(5) 74:36:20:11 (Public participation in permitting process) allows for a 30-day period for submittal of public comment.

June 20, 2011 SIP Submittal

74:36:01:01(73) (Subject to Regulation)

We are proposing to approve the definition of ''Subject to Regulation'' to comply with EPA's Greenhouse Gas Tailoring Rule revisions published on June 3, 2010.

In our February 11, 2014 action (79 FR 8130), EPA proposed approval of revisions to the State's PSD program to incorporate the provisions of the federal PSD and Title V Greenhouse Gas Tailoring Rule (Tailoring Rule). The SIP revisions incorporate by reference the federal Tailoring Rule's emission thresholds for determining which new stationary sources and modifications to existing stationary sources become subject to South Dakota's PSD permitting requirements for their greenhouse gas emissions.

Outside of the PSD program, the June 20, 2011 SIP submittal proposed in Section 74:36:01:01, Definitions, to add ''(73) ''Subject to regulation'' as defined in 40 CFR 70.2 (July 1, 2009), as revised in publication 75 FR 31607 (June 3, 2010), in accordance with EPA requirements.'' We did not propose action on that part of the submittal as part of our February 11, 2014 proposal because it applies to the title V operating permit program, which is not part of the SIP. However, in reviewing the June 20, 2011 submittal for this proposed action, we realized that South Dakota intended for the definition of ''subject to regulation'' to be applied throughout its rules. In fact, the language ''subject to regulation'' is included in the updated definition of major sources that we proposed to approve in our February 11, 2014 action, so for consistency we propose to approve the definition at this time.

74:36:04:20:01 (Initiating Construction Prior to Permit Issuance)

Does the new rule that allows for Initiating Construction Prior to Permit Issuance meet the CAA and regulatory requirements?

The new South Dakota rule 74:36:20:02.01 ''Initiating Construction Prior to Permit Issuance'' allows certain projects to begin construction prior to receiving approval from the State, and contains some safeguards. Under new rule 74:36:20:02.01 an owner or operator may initiate construction without receiving a permit from the State as long as they have submitted a construction permit application and notified the Department of ''its intentions to initiate construction prior to issuance of the construction permit five working days before initiating construction.'' 74:36:20:2.01 (1)–(2). Only ''true minor'' sources and modifications can construct prior to receiving a permit. 74:36:20:2.01 (3)–(4). The source is not allowed to operate equipment ''in any way that may emit any air pollutant prior to receiving a construction permit.'' 74:36:20:2.01(5). The rule provides that the owner or operator must assume liability for construction conducted before the permit is issued, and must cease construction if the department demonstrates that construction of the new source or modification will interfere with the attainment or maintenance of a NAAQS or increment. 74:36:20:2.01 (5)–(6). Finally, the owner or operator is required to make any change to the source that may be imposed in the issued construction permit. 74:36:20:2.01(7).

We are proposing to disapprove this section in its entirety because it allows complete construction of a true minor source before any type of State review, which is inconsistent with the requirements in 40 CFR 51.160(a) and (b) and Section 110(a)(2)(C) of the Act; because it would also create ''equity in the ground'' issues that might compromise compliance with 40 CFR 51.160(a) and (b); and because it is inconsistent with the public comment requirements in 40 CFR 51.161.

Summary of the Federal Clean Air Act and Regulatory Requirements

Section 110(a)(2)(C) of the Act contains the requirements for preconstruction review programs for minor sources and requires that each SIP include a program to regulate the construction and modification of stationary sources as necessary to assure that the NAAQS are achieved.

EPA's minor source implementing regulations are in 40 CFR 51.160–51.164. The regulations require that a SIP include ''legally enforceable procedures that enable'' the permitting agency to determine whether construction ''will result in'' interference with the NAAQS, 40 CFR 51.160(a). The SIP must also include the means by which a state or local agency can ''prevent'' construction that ''will interfere with the attainment or maintenance of a national standard.'' 40 CFR 51.160(b). 40 CFR 51.161(a) requires that the legally enforceable procedures in 40 CFR 51.160 must also require the state or local agency to provide opportunity for public comment on information submitted by owners or operators. The public information must include the agency's analysis of the effect of construction or modification on ambient air quality, including the agency's proposed approval or disapproval. 40 CFR 51.161(b) requires a minimum 30-day public comment period.

What Is EPA's evaluation?

We propose to find that the State's new rule that allows construction of certain projects subject to the minor source program prior to permit issuance is inconsistent with the requirements of the CAA and implementing regulations. EPA expressed concern about the State's proposed approach in our comments on

South Dakota's proposed rule in January 2011 because as proposed the rules were inconsistent with 40 CFR 51.160(b), explaining that [5]:

''EPA has concerns that chapter 74:36:20:02.01 does not require some type of administrative approval from the State prior to allowing pre-permit construction activities. EPA has approved minor NSR programs in several states that do not require permits prior to construction, but instead require sources to submit a notice and receive authorization for sources to begin construction after a specified time if the permitting authority does not issue an order preventing construction. Chapter 74:36:20:02.01 only requires the owner or operator to submit a construction permit application; the rule references a department evaluation, but does not require written approval from the State prior to construction ensuring that sources that are subject to federal requirements do not commence construction prior to permit issuance. This is not consistent with 40 CFR 51.160(b), which requires states to have legally enforceable procedures to prevent construction or modification of a source, if it would violate any SIP control strategies or interfere with attainment or maintenance of the NAAQS.''

The final rule as adopted by the State was not revised to address these concerns and allows complete construction of a true minor source before any type of State review. The rule does not require the permitting authority to take affirmative action and approve construction before construction permit approval. Therefore, neither the State, public, nor EPA can determine whether the project will be in compliance with the CAA and implementing regulations before construction.

In addition to being inconsistent with the requirements of 40 CFR 51.160(a), the rule is inconsistent with Section 110(a)(2)(C) of the Act because the rule lacks provisions to protect the NAAQS and prohibit any source from emitting air pollutants which will interfere with the NAAQS. Notwithstanding the fact that the owner or operator is required to provide a five day notice to the State before commencing construction, there is no procedure in the State's rule to determine prior to construction, if the construction or modification will violate a control strategy or interfere with attainment and maintenance of the NAAQS, which is required under 40 CFR 51.160(a).

The State rule also does not satisfy the public participation requirements in 40 CFR 51.161, which require a minimum 30-day period for public comment on the information submitted by the owner or operator prior to construction, as well as an opportunity for the public to review the State's analysis and recommendations regarding construction approval or disapproval.

74:36:20:02.01 also allows for complete construction of a true minor source, which would create equity in the ground issues. Allowing for complete construction could compromise compliance with 40 CFR 51.160(a) and (b) because, although 74:36:20:02.01 requires that the owner or operator must assume any liability for construction conducted on a source before a permit is issued, the economic impact of denying a permit after complete construction of a source could influence the decision to approve or deny a permit. Additionally, once fully constructed, there may be fundamental design issues that cannot be overcome should the State seek required modifications from the owner or operator.

EPA's review of other states, which have EPA approved pre-permit construction regulations found that most of the other state SIPs require some type of permitting agency review and preauthorization/administrative approval prior to construction.

We understand South Dakota's goals in promulgating rule 74:36:20:02.01, as expressed during the State's rulemaking, were to ''expedite the construction of specific facilities that will have minimal impact to the ambient air and for those projects that may be impacted by inclement weather (i.e. winter months),'' [6] ''and to ensure that new businesses and existing businesses looking to expand are permitted in an expedited manner.'' [7] If requested by South Dakota, EPA will work with the State to develop revised rules that are consistent with the State goals and also consistent with the CAA and implementing regulations.[8] We acknowledge that EPA may have approved some state minor source programs with approaches/requirements similar to those proposed by South Dakota, which may warrant EPA evaluation in the future.

In conclusion, although 74:36:20:02.01 has some safeguards as noted above, it is not in compliance with Section 110(a)(2)(C) of the Act, 40 CFR 51.160(a) and (b), and 40 CFR 51.161. Therefore, for the reasons outlined above, we are proposing to disapprove 74:36:20:02.01.

74:36:04:20:02 (Construction Permit Required)

Because EPA is disapproving 74:36:20:02.01, we are also disapproving the phrase: ''unless it meets the requirements in 74:36:20:02.01'' in 74:36:04:20:02.

July 29, 2013 SIP Submittal

74:36:04:03.01 (Minor Source Operating Permit Variance)

We are proposing to approve the deletion of this section.

74:36:10 (New Source Review)

We are proposing to approve changes in this section, which updates the federal references and deletes obsolete provisions regarding clean units and pollution control projects. We note that the State clarified that it is not adopting any provisions in 40 CFR 51.165 that were marked as stayed as of the date of incorporation by reference. We also note that, as mentioned in the State's letter, that there are currently not any nonattainment areas designated in South Dakota. If in the future any are designated for a particular pollutant, the State will then be obliged to review and if necessary revise its nonattainment NSR program to meet all applicable requirements for that pollutant, including proper treatment of relevant precursors.

IV. What authorities apply to EPA's proposed action?

In determining whether SIP revisions submitted by the State of South Dakota on June 14, 2010, June 20, 2011 and July 29, 2013, are approvable or not approvable, EPA applied the following authorities:

The CAA at Section 110(a)(2)(C) requires states to include a minor NSR program or alternative measures in their SIP to regulate modifications and new construction of stationary sources within the area as necessary to assure the NAAQS are achieved. In particular, section 110(a)(2)(C) was applied to determine approvability of all three submittals we are proposing action on in this rulemaking.

EPA's implementing regulations at 40 CFR 51.160–164 are intended to ensure that new source growth is consistent

[5] The State also received public comments from 13 individuals on this issue and related concerns. State of South Dakota SIP Submittal, these comments appear in the SIP starting at PDF page 80. (June 14, 2011, part 2 of 2).

[6] State of South Dakota SIP Submittal, at PDF pages 170–171 (June 14, 2011, part 1 of 2).

[7] State of South Dakota SIP Submittal, at PDF page 105 (June 14, 2011, part 2 of 2) (Board of Minerals and Environment Minutes, February 17, 2011).

[8] One option for South Dakota, which is consistent with its stated goals, is to amend its pre-permit construction regulations to allow certain limited, seasonal, pre-permit construction activities and specify which activities are allowed, and exclude construction of any emitting unit. An example of this type of pre-permit construction language can be found in the Administrative Rules of Montana (ARM) 17.8.743(2), which EPA approved on August 8, 2011 (76 FR 40237).

with maintenance of the NAAQS. The authorities in EPA's implementing regulations which we are applying in this rulemaking are: (1) 40 CFR 51.160(a), which requires that the SIP include legally enforceable procedures that enable a state or local agency to *determine* whether construction or modification of a facility, building, structure or installation, or combination of these will result in a violation of applicable portions of the control strategy or interference with attainment or maintenance of a national standard in the state in which the proposed source (or modification) is located or in a neighboring state; (2) 40 CFR 51.160(b) requires these procedures must include a means by which the state or local agency can *prevent* a construction or modification if the construction or modification will result in a violation of applicable portions of the control strategy or interference with attainment or maintenance of a national standard. 40 CFR 51.162–164 are not applicable to the SIP revisions we are proposing action on in this rulemaking. We applied 40 CFR 51.160(a), 40 CFR 51.160(b) and 40 CFR 51.161 to determine the approvability of 74:36:04:20:02.

Section 110(i) of the CAA specifically precludes states from changing the requirements of the SIP except through SIP revisions approved by EPA. SIP revisions will be approved by EPA only if they meet all requirements of section 110 of the CAA and the implementing regulations at 40 CFR part 51. See CAA section 110(l); and 40 CFR 51.104.

V. Summary

In this proposed rulemaking, we are proposing partial approval and partial disapproval of the new and revised rules and renumbering of rules as outlined in section III above and in the crosswalk table located in the docket. In particular, we are proposing the following actions:

June 14, 2010 Submittal

We are proposing to approve the following: *74:36:01:01 (Definitions); 74:36:01:02 (Ambient Air Quality); 74:36:01:03 (Air Quality Episodes); 74:36:04 (Operating Permits for Minor Sources); 74:36:11 (Performance Testing); 74:36:12 (Control of Visible Emissions); 74:36:13 (Continuous Emissions Monitoring); 74:36:18 (Regulations for State Facilities in the Rapid City Area); and 74:36:20 (Construction Permits for New Sources or Modifications).*

We are not taking action on the following: *74:36:05 (Operating Permits for Part 70 Sources); 74:36:07 (New Source Performance Standards); 74:36:08 (National Emission Standards for Hazardous Air Pollutants); 74:36:09 (Prevention of Significant Deterioration); 74:36:16 (Acid Rain Program);* and *74:36:19 (Mercury Budget Trading Program).*

June 20, 2011 Submittal

We are proposing to approve the following: *74:36:01:01(73) (Subject to Regulation).*

We are proposing to disapprove the following: *74:36:04:20:01 (Initiating Construction Prior to Permit Issuance), the phrase: ''unless it meets the requirements in 74:36:20:02.01'' in 74:36:04:20:02 (Construction Permit Required).*

July 29, 2013 Submittal

We are proposing to approve deletion of the following: *74:36:04:03.01 (Minor Source Operating Permit Variance).*

We are proposing to approve the following: *74:36:10 (New Source Review).*

We are proposing partial approval and partial disapproval based on the authorities as outlined in section IV of this rulemaking. As explained in this rulemaking, the South Dakota rules we are proposing to approve meet the statutory requirements of CAA section 110(a)(2)(C), the regulatory requirements of 40 CFR 51.160 and 40 CFR 51.161. We are proposing to disapprove the revisions which do not meet the statutory requirements of CAA section 110(a)(2)(C) and the regulatory requirements of 40 CFR 51.160 and 40 CFR 51.161. For additional information, see the cross-walk table and South Dakota's letter of clarification located in the docket.

VI. Statutory and Executive Orders Review

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: April 3, 2014.

Shaun L. McGrath,

Regional Administrator, Region 8.

[FR Doc. 2014–08500 Filed 4–15–14; 8:45 am]

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Notices

Federal Register

Vol. 79, No. 73

Wednesday, April 16, 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

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Market Access Program

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.601.

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2015 Market Access Program (MAP). The intended effect of this notice is to solicit applications from eligible applicants for fiscal year 2015 and to set out criteria for the award of funds under the program in October 2014. The MAP is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: All applications must be received by 5 p.m. Eastern Daylight Time, May 19, 2014. Applications received after this date will not be considered.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier address:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/programs/market-access-program-map.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Authority: The MAP is authorized under Section 203 of the Agricultural Trade Act of 1978, as amended. MAP regulations appear at 7 CFR part 1485.

Purpose: The MAP is designed to create, expand, and maintain foreign markets for U.S. agricultural commodities and products through cost-share assistance. Financial assistance under the MAP will be made available on a competitive basis, and applications will be reviewed against the evaluation criteria contained herein and in the MAP regulations. All U.S. agricultural commodities, except tobacco, are eligible for consideration.

FAS allocates funds in a manner that effectively supports the strategic decision-making initiatives of the Government Performance and Results Act (GPRA) of 1993. In deciding whether a proposed project will contribute to the effective creation, expansion, or maintenance of foreign markets, FAS considers whether the applicant provides a clear, long-term agricultural trade strategy and a program effectiveness time line against which results can be measured at specific intervals using quantifiable product or country goals. FAS also considers the extent to which a proposed project targets markets with the greatest growth potential. These factors are part of the FAS resource allocation strategy to fund applicants who can demonstrate performance and address the objectives of the GPRA.

II. Award Information

Under the MAP, the CCC enters into agreements with eligible Participants to share the cost of certain overseas marketing and promotion activities. MAP Participants may receive assistance for generic or brand promotion activities. For generic activities, funding priority is given to organizations that have the broadest possible producer representation of the commodity being promoted and that are nationwide in membership and scope. Only non-profit U.S. agricultural trade organizations, nonprofit state regional trade groups (SRTGs), U.S. agricultural cooperatives, and State government agencies can participate directly in the brand program. The MAP generally operates on a reimbursement basis.

III. Eligibility Information

1. Eligible Applicants: To participate in the MAP, an applicant must be a nonprofit U.S. agricultural trade organization, a nonprofit SRTG, a U.S. agricultural cooperative, or a State government agency. A small-sized U.S. commercial entity may participate through a MAP Participant.

2. Cost Sharing: To participate in the MAP, an applicant must agree to contribute resources to its proposed promotional activities. The MAP is intended to supplement, not supplant, the efforts of the U.S. private sector. In the case of generic promotion, the contribution must be at least 10 percent of the value of resources provided by CCC for such generic promotion. In the case of brand promotion, the contribution must be at least 50 percent of the total cost of such brand promotion.

The degree of commitment of an applicant to the promotional strategies contained in its application, as represented by the agreed cost-share contributions specified therein, is considered by FAS when determining which applications will be approved for funding. Cost-share may be actual cash invested or in-kind contributions, such as professional staff time spent on design and execution of activities. The MAP regulations, in section 1485.16, provide detailed discussion of eligible and ineligible cost-share contributions.

3. Other: Applications should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without federal funding assistance, and why participating organization(s) are unlikely to carry out the project without such assistance.

IV. Application and Submission Information

1. Address To Request Application Package: Organizations are encouraged to submit their MAP applications to FAS through the Unified Export Strategy (UES) application Internet Web site. The UES allows interested applicants to submit a single consolidated and strategically coordinated proposal that incorporates requests for funding and recommendations for virtually all of the FAS marketing programs, financial assistance programs, and market access programs. The suggested UES format encourages applicants to examine the constraints or barriers to trade that they face, identify activities that would help overcome such impediments, consider the entire pool of complementary marketing tools and program resources, and establish realistic export goals.

Applicants planning to use the Internet-based system must contact the FAS/Program Operations Division to obtain Web site access information. The Internet-based application may be found

at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

FAS highly recommends applying via the Internet-based application, as this format virtually eliminates paperwork and expedites the FAS processing and review cycle. However, applicants also have the option of submitting an electronic version of their application to FAS at *uesadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for the MAP, an applicant must submit to FAS information required by the MAP regulations in section 1485.13. In addition, in accordance with the Office of Management and Budget's policy (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1–866–705–5711.

In addition, in accordance with 2 CFR part 25, each entity that applies to MAP and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Be registered in the CCR prior to submitting an application or plan;

(ii) Maintain an active CCR registration with current information at all times during which it has an active Federal award or an application or plan under consideration by CCC; and

(iii) Provide its DUNS number in each application or plan it submits to CCC.

Similarly, in accordance with 2 CFR Part 170, each entity that applies to MAP and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR Part 170 should it receive MAP funding.

Incomplete applications and applications that do not otherwise conform to this announcement and the MAP regulations will not be accepted for review.

FAS administers various other agricultural export assistance programs including the Foreign Market Development Cooperator (Cooperator) program, the Emerging Markets Program, the Quality Samples Program, and the Technical Assistance for Specialty Crops program. Any organization that is not interested in applying for the MAP, but would like to request assistance through one of the other programs mentioned should contact the Program Operations Division.

3. Submission Dates and Times: All applications must be received by 5 p.m. Eastern Daylight Time, May 19, 2014. All MAP applicants, regardless of the method of submitting an application, must also submit by the application deadline, an original signed certification statement as specified in 7 CFR 1485.13(a)(2)(i)(E) to the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6512, 1400 Independence Ave. SW., Washington, DC 20250. Applications or certifications received after this date will not be considered.

4. Funding Restrictions: Certain types of expenses are not eligible for reimbursement by the program, and there are limits on other categories of expenses. CCC also will not reimburse unreasonable expenditures or expenditures made prior to approval. Full details are available in the MAP regulations in section 1485.17.

V. Application Review Information

1. Criteria and Review Process: Following is a description of the FAS process for reviewing applications and the criteria for allocating available MAP funds.

(1) Phase 1—Sufficiency Review and FAS Divisional Review

Applications received by the closing date will be reviewed by FAS to determine the eligibility of the applicants and the completeness of the applications. These requirements appear in sections 1485.12 and 1485.13 of the MAP regulations. Applications that meet the requirements then will be further evaluated by the appropriate Commodity Branch office of the FAS/Cooperator Programs Division. The Commodity Branch will review each application against the criteria listed in section 1485.14(b) and (c) of the MAP regulations as well as in this Notice. The purpose of this review is to identify meritorious proposals and to recommend an appropriate funding level for each application based upon these criteria.

(2) Phase 2—Competitive Review

Meritorious applications then will be passed on to the Office of the Deputy Administrator, Office of Trade Programs, for the purpose of allocating available funds among the applicants. Applicants will compete for funds on the basis of the following allocation criteria as applicable (the number in parentheses represents a percentage weight factor):

(a) Applicant's Contribution Level (40)

- The applicant's 4-year average share (2012–2015) of all contributions under the MAP (cash and goods and services provided by U.S. entities in support of overseas marketing and promotion activities) compared to;
- The applicant's 4-year average share (2012–2015) of the funding level for all MAP Participants.

(b) Past Performance (30)

- The 3-year average share (2011–2013) of the value of exports promoted by the applicant compared to;
- The applicant's 2-year average share (2013–2014) of the funding level for all MAP Participants plus, for those groups participating in the Cooperator program, the 2-year average share (2013–2014) of all Cooperator program budgets.

(c) Projected Export Goals (15)

- The total dollar value of projected exports promoted by the applicant for 2015 compared to;
- The applicant's requested funding level;

(d) Accuracy of Past Projections (15)

- Actual exports for 2013 as reported in the 2015 MAP application compared to;
- Past projections of exports for 2013 as specified in the 2013 MAP application.

The Commodity Branches' recommended funding levels for each applicant are converted to percentages of the total MAP funds available and then multiplied by each weight factor as described above to determine the amount of funds allocated to each applicant.

2. Anticipated Announcement Date: Announcements of funding decisions for the MAP are anticipated during October 2014.

VI. Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of its application. The FAS will send an approval letter and program agreement to each approved applicant. The approval letter and program agreement will specify the terms and conditions applicable to the project, including the levels of MAP funding and cost-share contribution requirements.

2. Administrative and National Policy Requirements: Interested parties should review the MAP regulations, which are available at the following URL address: *http://www.fas.usda.gov/programs/market-access-program-map.* Hard copies may be obtained by contacting the Program Operations Division.

3. Reporting: FAS requires various reports and evaluations from MAP Participants. Reporting requirements are

detailed in the MAP regulations in section 1485.22 and 1485.23.

VII. Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture.

Courier address: Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.*

Signed at Washington, DC, on the 18th of March 2014.

Bryce Quick,

Acting Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2014–08621 Filed 4–15–14; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Quality Samples Program

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.605

SUMMARY: The Commodity Credit Corporation (CCC) announces it is inviting proposals for the 2015 Quality Samples Program (QSP). The intended effect of this notice is to solicit applications from eligible applicants for fiscal year 2015 and to set out the criteria for the award of funds under the program in October 2014. QSP is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: To be considered for funding, applications must be received by 5 p.m. Eastern Daylight Time, May 19, 2014. Any applications received after this time will be considered only if funds are still available.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier address:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or by *email: podadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/programs/quality-samples-program-qsp.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Authority: QSP is authorized under Section 5(f) of the CCC Charter Act, 15 U.S.C. 714c(f).

Purpose: QSP is designed to encourage the development and expansion of export markets for U.S. agricultural commodities by assisting U.S. entities in providing commodity samples to potential foreign importers to promote a better understanding and appreciation for the high quality of U.S. agricultural commodities.

QSP participants will be responsible for procuring (or arranging for the procurement of) commodity samples, exporting the samples, and providing the on-site technical assistance necessary to facilitate successful use of the samples by importers. Participants that are funded under this announcement may seek reimbursement from QSP for the sample purchase price, the cost of transporting the samples domestically to the port of export, and then to the foreign port or point of entry. Transportation costs from the foreign port or point of entry to the final destination will not be eligible for reimbursement. CCC will not reimburse the costs incidental to purchasing and transporting samples, for example, inspection or documentation fees. Although providing technical assistance is required for all projects, QSP will not reimburse the costs of providing technical assistance. A QSP participant will be reimbursed after CCC reviews its reimbursement claim and determines that the claim is complete.

General Scope of QSP Projects: QSP projects are the activities undertaken by a QSP participant to provide an appropriate sample of a U.S. agricultural commodity to a foreign importer, or a group of foreign importers, in a given market. The purpose of the project is to provide information to an appropriate target audience regarding the attributes, characteristics, and proper use of the U.S. commodity. A QSP project addresses a single market/commodity combination.

As a general matter, QSP projects should conform to the following guidelines:

- Projects should benefit the represented U.S. industry and not a specific company or brand;
- Projects should develop a new market for a U.S. product, promote a new U.S. product, or promote a new use for a U.S. product, rather than promote the substitution of one established U.S. product for another;
- Sample commodities provided under a QSP project must be in sufficient supply and available on a commercial basis;
- The QSP project must either subject the commodity sample to further processing or substantial transformation in the importing country, or the sample must be used in technical seminars in the importing country designed to demonstrate to an appropriate target audience the proper preparation or use of the sample in the creation of an end product;
- Samples provided in a QSP project shall not be directly used as part of a retail promotion or supplied directly to consumers. However, the end product, that is, the product resulting from further processing, substantial transformation, or a technical preparation seminar, may be provided to end-use consumers to demonstrate to importers consumer preference for that end product; and
- Samples shall be in quantities less than a typical commercial sale and limited to the amount sufficient to achieve the project goal (*e.g.,* not more than a full commercial mill run in the destination country).
- Projects should be completed within one year of CCC approval.

QSP projects shall target foreign importers and audiences who:

- Have not previously purchased the U.S. commodity that will be transported under QSP;
- Are unfamiliar with the variety, quality attribute, or end-use characteristic of the U.S. commodity;
- Have been unsuccessful in previous attempts to import, process, and market the U.S. commodity (*e.g.,* because of improper specification, blending, formulation, sanitary, or phytosanitary issues);
- Are interested in testing or demonstrating the benefits of the U.S. commodity; or
- Need technical assistance in processing or using the U.S. commodity.

II. Award Information

Under this announcement, the number of projects per participant will not be limited. However, individual projects will be limited to $75,000 of QSP reimbursement. Projects comprised of technical preparation seminars, that is, projects that do not include further processing or substantial transformation, will be limited to $15,000 of QSP reimbursement as these projects require smaller samples. Financial assistance will be made available on a reimbursement basis only; cash advances will not be made available to any QSP participant.

All proposals will be reviewed against the evaluation criteria contained herein

and funds will be awarded on a competitive basis. Funding for successful proposals will be provided through specific agreements between the applicant and CCC. These agreements will incorporate the proposal as approved by FAS. FAS must approve in advance any subsequent changes to the project.

III. Eligibility Information

1. Eligible Applicants: Any United States private or government entity with a demonstrated role or interest in exporting U.S. agricultural commodities may apply to the program. Government organizations consist of Federal, State, and local agencies. Private organizations include non-profit trade associations, universities, agricultural cooperatives, state regional trade groups, and profit-making entities.

2. Cost Sharing: FAS considers the applicant's willingness to contribute resources, including cash, goods, and services of the U.S. industry and foreign third parties, when determining which proposals to approve for funding.

3. Proposals should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance. Applicants may submit more than one proposal.

IV. Application and Submission Information

1. *Address To Request Application Package:* Organizations are strongly encouraged to submit their QSP applications to FAS through the Uniform Export Strategy (UES) application Internet Web site. The UES allows applicants to submit a single consolidated and strategically coordinated proposal that incorporates requests for funding and recommendations for virtually all of the FAS marketing programs, financial assistance programs, and market access programs. The suggested UES format encourages applicants to examine the constraints or barriers to trade that they face, identify activities that would help overcome such impediments, consider the entire pool of complementary marketing tools and program resources, and establish realistic export goals.

Applicants planning to use the Internet-based system must contact the FAS/Program Operations Division to obtain Web site access information. The Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Although FAS highly recommends applying via the Internet-based application, as this format virtually eliminates paperwork and expedites the FAS processing and review cycle, applicants also have the option of submitting an electronic version of their application to FAS at *podadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for QSP, an applicant must submit to FAS information detailed in this notice. Additionally, in accordance with the Office of Management and Budget's policy directive (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1–866–705–5711.

In addition, in accordance with 2 CFR Part 25, each entity that applies to QSP and does not qualify for an exemption under 2 CFR § 25.110 must:

(i) Be registered in the CCR prior to submitting an application or plan;

(ii) Maintain an active CCR registration with current information at all times during which it has an active Federal award or an application or plan under consideration by CCC; and

(iii) Provide its DUNS number in each application or plan it submits to CCC.

Similarly, in accordance with 2 CFR Part 170, each entity that applies to the QSP and does not qualify for an exception under 2 CFR § 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR Part 170 should it receive QSP funding.

Incomplete applications and applications that do not otherwise conform to this announcement will not be accepted for review.

Proposals should contain, at a minimum, the following:

(a) Organizational information, including:

- Organization's name, address, Chief Executive Officer (or designee), Federal Tax Identification Number (TIN), and DUNS number;
- Type of organization;
- Name, telephone number, fax number, and email address of the primary contact person;
- A description of the organization and its membership;
- A description of the organization's prior export promotion experience; and
- A description of the organization's experience in implementing an appropriate trade/technical assistance component;

(b) Market information, including:

- An assessment of the market;
- A long-term strategy in the market; and
- U.S. export value/volume and market share (historic and goals) for 2008–2014;

(c) Project information, including:

- A brief project title;
- Amount of funding requested;
- A brief description of the specific market development trade constraint or opportunity to be addressed by the project, performance measures for the years 2015–2017, which will be used to measure the effectiveness of the project, a benchmark performance measure for 2013, the viability of long-term sales to this market, the goals of the project, and the expected benefits to the represented industry;
- A description of the activities planned to address the constraint or opportunity, including how the sample will be used in the end-use performance trial, the attributes of the sample to be demonstrated and its end-use benefit, and details of the trade/technical servicing component (including who will provide and who will fund this component);
- A sample description (*i.e.,* commodity, quantity, quality, type, and grade), including a justification for selecting a sample with such characteristics (this justification should explain in detail why the project could not be effective with a smaller sample);
- An itemized list of all estimated costs associated with the project for which reimbursement will be sought;
- Beginning and end dates for the proposed project;
- The importer's role in the project regarding handling and processing the commodity sample; and
- Explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance;

(d) Information indicating all funding sources and amounts to be contributed by each entity that will supplement implementation of the proposed project. This may include the organization that submitted the proposal, private industry entities, host governments, foreign third parties, CCC, FAS, or other Federal agencies. Contributed resources may include cash, goods or services.

3. Submission Dates and Times: QSP funding is reviewed on a rolling basis during the fiscal year as long as remaining QSP funding is available as set forth below:

• Proposals received by, but not later than, 5 p.m. Eastern Daylight Time, May 19, 2014, will be considered for funding with other proposals received by that date;

• Proposals not approved for funding during this review period will be reconsidered for funding after the review period only if the applicant specifically requests such reconsideration in writing, and only if funding remains available;

• Proposals received after 5 p.m. Eastern Daylight Time, May 19, 2014, will be considered in the order received for funding only if funding remains available.

4. Other Submission Requirements: All Internet-based applications must be properly submitted by 5 p.m., Eastern Daylight Time, May 19, 2014, in order to be considered for funding; late submissions received after the deadline will be considered only if funding remains available. All applications submitted by email must be received by 5 p.m. Eastern Daylight Time, May 19, 2014, at *podadmin@fas.usda.gov* in order to receive the same consideration.

5. Funding Restrictions: Proposals that request more than $75,000 of CCC funding for individual projects will not be considered. Projects comprised of technical preparation seminars will be limited to $15,000 in QSP funding. CCC will not reimburse expenditures made prior to approval of a proposal or unreasonable expenditures.

V. Application Review Information

1. Criteria and Review Process: Following is a description of the FAS process for reviewing applications and the criteria for allocating available QSP funds.

FAS will use the following criteria in evaluating proposals:

• The ability of the organization to provide an experienced staff with the requisite technical and trade experience to execute the proposal;

• The extent to which the proposal is targeted to a market in which the United States is generally competitive;

• The potential for expanding commercial sales in the proposed market;

• The nature of the specific market constraint or opportunity involved and how well it is addressed by the proposal;

• The extent to which the importer's contribution in terms of handling and processing enhances the potential outcome of the project;

• The amount of reimbursement requested and the organization's willingness to contribute resources, including cash, goods and services of the U.S. industry, and foreign third parties; and

• How well the proposed technical assistance component assures that performance trials will effectively demonstrate the intended end-use benefit.

Proposals will be evaluated by the Commodity Branch offices in the FAS' Cooperator Programs Division. The Commodity Branches will review each proposal against the factors described above. The purpose of this review is to identify meritorious proposals, recommend an appropriate funding level for each proposal based upon these factors, and submit proposals and funding recommendations to the Deputy Administrator, Office of Trade Programs.

2. Anticipated Announcement Date: Announcements of funding decisions for QSP are anticipated during October 2014.

VI. Award Administration Information

1. *Award Notices:* FAS will notify each applicant in writing of the final disposition of the submitted application. FAS will send an approval letter and agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including the levels of QSP funding, and any cost-share contribution requirements.

2. *Administrative and National Policy Requirements:* The agreements will incorporate the details of each project as approved by FAS. Each agreement will identify terms and conditions pursuant to which CCC will reimburse certain costs of each project. Agreements will also outline the responsibilities of the participant, including, but not limited to, procurement (or arranging for procurement) of the commodity sample at a fair market price, arranging for transportation of the commodity sample within the time limit specified in the agreement (organizations should endeavor to ship commodities within 6 months of the effective date of the agreement), compliance with cargo preference requirements (shipment on United States flag vessels, as required), compliance with the Fly America Act requirements (shipment on United States air carriers, as required), timely and effective implementation of technical assistance, and submission of a written evaluation report within 90 days of expiration or termination of the agreement.

QSP projects are subject to review and verification by FAS' Compliance, Security and Emergency Planning Division. Upon request, a QSP participant shall provide to CCC the original documents that support the participant's reimbursement claims. CCC may deny a claim for reimbursement if the claim is not supported by adequate documentation.

3. *Reporting:* A written evaluation report must be submitted within 90 days of the expiration or termination of each participant's QSP agreement. Evaluation reports should address all performance measures that were presented in the proposal.

VII. Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture.

Courier address: Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or by *email: podadmin@fas.usda.gov.*

Signed at Washington, DC, on the 18th of March, 2014.

Bryce Quick,

Acting Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2014–08622 Filed 4–15–14; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

Application Package and Reporting Requirements for the Veterinary Medicine Loan Repayment Program (VMLRP)

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320), which implements the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the National Institute of Food and Agriculture's (NIFA) intention to request an extension for the currently approved information collection for the Veterinary Medicine Loan Repayment Program (VMLRP). This notice initiates a 60-day comment period. The NIFA may not conduct or sponsor, and the respondent is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

DATES: Comments regarding this information collection must be received on or before June 16, 2014 to be assured of having their full effect.

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

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: vmlrp@nifa.usda.gov. Include the text ''VMLRP Application Forms'' in the subject line of the message.

Fax: (202) 401–7752.

Mail: paper, disk or CD–ROM submissions should be submitted to National Institute of Food and Agriculture; U.S. Department of Agriculture; STOP 2299; 1400 Independence Avenue SW., Washington, DC 20250–2299.

Hand Delivery/Courier: National Institute of Food and Agriculture; U.S. Department of Agriculture; Room 2308, Waterfront Centre; 800 9th Street SW., Washington, DC 20024.

Instructions: All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Gary Sherman; National Program Leader, Veterinary Science; National Institute of Food and Agriculture; U.S. Department of Agriculture; STOP 2220; 1400 Independence Avenue SW., Washington, DC 20250–2220; Voice: 202–401–4952; Fax: 202–401–6156; Email: *gsherman@nifa.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application Package and Reporting Requirements for the Veterinary Medicine Loan Repayment Program (VMLRP)

OMB Number: 0524–0047.

Expiration Date of Current Approval: October 31, 2014.

Type of Information Collection Request: Intent to extend currently approved information collection for three years.

Abstract: These application forms and reporting requirements are for the Veterinary Medicine Loan Repayment Program (VMLRP) as authorized under section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA). This information collection applies to Subpart B of 7 CFR part 3431.

Need and Use of the Information: The NIFA will carry out NVMSA by entering into educational loan repayment agreements with veterinarians who agree to provide veterinary services in veterinarian shortage situations for a determined period of time. The information collection allows the NIFA to request from VMLRP applicants information related to eligibility, qualifications, career interests, and recommendations necessary to evaluate their applications for repayment of educational indebtedness in return for agreeing to provide veterinary services in veterinarian shortage situations. This information collection is also used to determine an applicant's eligibility for participation in the program. NIFA publishes a Request for Applications (RFA) to request VMLRP loan repayment applications from individual veterinarians on an annual basis. These forms are made available at the NIFA VMLRP Web site as a PDF-fillable document (to be printed and then returned by fax or mail), and includes questions requiring check boxes or text with a word limitation to minimize the burden for applicants and reviewers. Submitted application forms are reviewed and evaluated by a peer panel according to the criteria identified in the published RFA.

Method of Collection: Collection allows program applicants to make all submissions by fax, courier, or regular mail. The information collection is required of all applicants who request to enter into an agreement with the Secretary of Agriculture for VMLRP participation.

Frequency of Response: Annual application

Affected Public: Applicants, recommenders, and financial institutions.

Type of Respondents: Veterinarians and organizational officials.

The estimated annual reporting burden is as follows:

Type of respondents	Number of respondents	Estimated number of responses per respondent	Average burden hours per response	Annual burden hours requested
Applicants:.				
Applicant Information	100	1	1	100
Personal Statement	100	1	6	600
List of Recommenders	100	1	.5	50
Loan Information	100	2	.5	100
Contract	100	1	.25	25
Certification for Applications	100	1	.25	25
Intent of Employment	100	1	1	100
Applicants subtotal	100	.....	.....	1,000
Recommenders:				
Recommendation	300	1	1	300
Recommenders subtotal	300	1	1	300
Financial Institutions:				
Loan Information	200	1	.25	50
Financial Institutions subtotal	200	1	.25	50
Grand Total	600	.....	.....	1,350

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection. All comments will become a matter of public record. Comments are invited on: (a) Whether the information collection is necessary for the proper performance of the functions of the VMLRP, including whether the information has practical utility; (b) the accuracy of the public

burden estimate (the estimated amount of time needed for individual respondents to provide the requested information), including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the public burden through the use of appropriate automated, electronic, mechanical, or other technological 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.

Obtaining a Copy of the Information Collection: A copy of the information collection is available at the VMLRP Web site: *www.nifa.usda.gov/vmlrp.*

VMLRP Application Forms and Reporting Requirements

Pursuant to the requirements enacted in the NVMSA of 2004 (as revised), and the implementing regulation for this Act, the National Institute of Food and Agriculture hereby proposes to continue its use of:

I. Application Forms

The following forms are to be completed and submitted by the applicant by the established deadline.

(a) Applicant Information Form: Collects relevant identifying, contact, and employment information from the applicant. Authorizes the disclosure of information that confirms the applicant is not under a service obligation or has a Federal judgment lien against his/her property.

(b) Personal Statement: Includes a discussion of applicant knowledge, skills, abilities, and experience relative to the shortage situation applied for.

(c) List of Recommenders: Identifies colleagues that can speak to the applicant's capability to fulfill program obligations. Three recommendations are required for each application.

(d) Loan Information Form: Authorizes the disclosure of information to the lenders and their authorized collection agents to confirm that the applicant's loans are current in their repayment status.

(e) Contract: A legal agreement that binds the applicant and the Secretary of USDA and/or NIFA Director to the terms and conditions for participation in the VMLRP, including obligations of both parties.

(f) Certifications for Application: Validates the contractual agreement, accuracy of information provided by the applicant, and request for confidential recommendations.

(g) Intent of Employment: Section 1 provides information on the shortage situation the applicant intends to fill upon receipt of a VMLRP award. Section 2 confirms the applicant's ability to secure an offer of employment or establish and/or maintain a practice in a veterinary shortage situation within the time period specified in the VMLRP service agreement offer.

II. Recommendation Form

To be completed and submitted by colleagues identified by the applicant by an established deadline. Includes ratings and short answers to assess applicant's capabilities to provide veterinary services in the specific shortage situation the applicant is applying for. Three separate recommendations are required.

III. Reporting Requirements

Program participants are required to verify that the terms of the VMLRP contract are being met on a quarterly basis. Subsequent quarterly loan repayments will not be disbursed until this verification is provided. This report must include:

(a) A listing of states, counties, and/or insular areas served

(b) A listing of veterinary services and activities provided in the shortage situation

(c) Percentage time (on a 40-hour week basis) providing service to veterinary shortage situation identified in the agreement. Program participants are responsible for notifying NIFA of any changes in the service being provided in the specified shortage situation during the three-year period. It is strongly recommended that program participants advise NIFA of these changes at least two months in advance to allow sufficient processing time. Failure to provide the updated information may result in the termination of the VMLRP contract and the program participant may be subject to penalties as outlined in Section C, Paragraph 3 of the contract.

Done in Washington, DC, this 9th day of April, 2014.

Catherine E. Woteki,

Under Secretary, Research, Economics, and Education.

[FR Doc. 2014–08575 Filed 4–15–14; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by June 16, 2014.

FOR FURTHER INFORMATION CONTACT: Michele L. Brooks, Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Ave. SW., STOP 1522, Room 5162, South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078, FAX: (202) 720–8435 or email *Michele.brooks@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for reinstatement.

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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Michele L. Brooks, Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, 1400 Independence Ave. SW., Washington, DC 20250–1522. Telephone (202) 690–1078, FAX: (202) 720–8435 or email *Michele.brooks@wdc.usda.gov* .

Title: RUS Specification for Quality Control and Inspection of Timber Products.

OMB Control Number: 0572–0076.

Type of Request: Extension of a currently approved collection.

Abstract: RUS Bulletin 1728H–702 and 7 CFR 1728.202 describe the responsibilities and procedures pertaining to the quality control by producers and pertaining to inspection of timber products produced in accordance with RUS specifications. In order to ensure the security of loan funds, adequate quality control of timber products is vital to loan security on electric power systems where hundreds of thousands of wood poles and cross-arms are used. Since RUS and its borrowers do not have the expertise or manpower to quickly determine imperfections in the wood products or their preservatives treatments, they must obtain service of an inspection agency to insure that the specifications for wood poles and cross-arms are being met. Copies of test reports on various preservatives must accompany each load of poles treated at the same time in a pressure cylinder (charge) as required by 7 CFR 1728.202(i). RUS feels the importance of safety concerns are enough to justify requiring test reports so that the purchaser, inspectors, and RUS will be able to spot check the general accuracy and reliability of the tests.

Estimate of Burden: This collection of information is estimated to average 1 hour per response.

Respondents: Not-for-profit institutions; business or other for profit.

Estimated Number of Respondents: 25.

Estimated Number of Responses per Respondent: 1,600.

Estimated Total Annual Burden on Respondents: 40,000 hours.

Copies of this information collection can be obtained from Rebecca Hunt, Program Development and Regulatory Analysis, at (202) 205–3660, FAX: (202)720–8435 or email: *Rebecca.hunt@wdc.usda.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: April 10, 2014.

John Charles Padalino,

Administrator, Rural Utilities Service.

[FR Doc. 2014–08642 Filed 4–15–14; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS), invites comments on this information collection for which the Agency intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by June 16, 2014.

FOR FURTHER INFORMATION CONTACT: Michele L. Brooks, Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 1522, Room 5162–S, Washington, DC 20250–1522. Telephone: (202) 690–1078. FAX: (202) 720–8435 or email: *michele.brooks@wdc.usda.gov*.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that Rural Utilities Service is submitting to OMB for approval.

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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Michele L. Brooks, Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Stop 1522, Washington, DC 20250–1522. Telephone: (202) 690–1078; FAX: (202) 720–8435.

Title: Request for Mail List Data, RUS Form 87.

OMB Control Number: 0572–0051.

Type of Request: Revision of a currently approved information collection.

Abstract: The RUS Form 87 is used for both the Rural Utilities Service Electric and Telecommunications programs to obtain the names and addresses of the borrowers' officials with whom they must communicate directly in order to administer the Agency's lending programs. Changes occurring at the borrower's annual meeting (e.g. the selection of board members, managers, attorneys, certified public accountants, or other officials) make necessary the collection of information. Hours are being reduced in the information collection package to accurately reflect the current number of respondents.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .25 hour per response.

Respondents: Business or other for-profit; not-for-profit institutions.

Estimated Number of Respondents: 1,125.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 281 hours.

Copies of this information collection can be obtained from Rebecca H. Hunt, Program Development and Regulatory Analysis, at (202) 205–3660. FAX: (202) 720–8435 or email: *rebecca.hunt@wdc.usda.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: April 10, 2014.

John Charles Padalino,

Administrator, Rural Utilities Service.

[FR Doc. 2014–08641 Filed 4–15–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and Opportunity for Public Comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 et seq.), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below.

Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[4/10/2014 through 04/10/2014]

Firm name	Firm address	Date accepted for investigation	Product(s)
Zlight Technology	1013 Harimaw CT. East, Metairie, LA 70001.	4/10/2014	The firm manufactures LED lighting.
O.P. Schuman & Sons, Inc	2001 County Line Road, Warrington, PA 18976.	4/10/2014	The firm manufactures custom parts and machinery, packaging machinery and machined parts.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: April 10, 2014.

Michael DeVillo,

Eligibility Examiner.

[FR Doc. 2014–08634 Filed 4–15–14; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD239

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public scoping meetings.

SUMMARY: The Western Pacific Fisheries Management Council (Council) will convene public informational scoping meetings in the Commonwealth of the Northern Mariana Islands (CNMI) to solicit comments on the management of the bottomfish fishery within the EEZ of the Mariana Islands. Scoping will, among other things, describe the existing federal management regime for bottomfish species, examine the current performance of the fishery and consider the need for potential regulatory changes that may include removal of the area closures to bottomfishing vessels over 40 feet in length around the southern islands and island of Alamagan.

DATES: Public informational scoping meetings will be held in CNMI on the island of Rota on April 28, 2014 and on Tinian on April 30, 2014. See **SUPPLEMENTARY INFORMATION** for specific dates, times, and locations.

ADDRESSES: Written comments on this issue may be sent to Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813. Comments may be sent to the Council via facsimile (fax) at (808) 522–8226.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, WPFMC; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION:

Dates, Times, and Locations for Public Informational Scoping Meetings

1. Rota, CNMI—Monday, April 28, 2014, from 6 p.m.–9 p.m. at the Sinapalo Youth Center, Sinapalo Village, Rota, MP 96951.

2. Tinian, CNMI—Wednesday, April 30, 2014, 6 p.m.–9 p.m., Tinian Elementary School Cafeteria, San Jose Village, Tinian, MP 96952.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 11, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–08616 Filed 4–15–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD243

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a meeting of its Pelagics Plan Team (PPT), in Honolulu, HI, to discuss fishery issues and develop recommendations for future management.

DATES: The meetings of the PPT will be held between May 7–9 2014, from 8:30 a.m. to 5 p.m.

ADDRESSES: The meetings will be held at the Council Office Conference Room, Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813; telephone: (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION:

The PPT will meet at the Council Conference Room to discuss the following agenda items:

Wednesday, May 7, 2014, 8.30 a.m.

1. Introduction

2. Annual Report review
   a. Review 2013 Annual Report modules and recommendations
   i. Commonwealth of the Northern Mariana Islands
   ii. American Samoa
   iii. Guam
   iv. Hawaii
   v. International
   b. 2012 Annual Report region wide recommendations

Thursday–Friday, May 8–9, 2014, 8.30 a.m.

3. 10th Meeting of Western and Central Pacific Fishery Commission
4. South Pacific albacore and American Samoa longline
5. Biological Opinions for deep set tuna fishery and American Samoa longline fishery
6. Outstanding Fisheries Ecosystem Plan amendments
7. Recreational Fisheries
8. Hawaii yellowfin stock assessment
9. Marianas shark survey
10. Electronic monitoring and reporting
11. Seabird-longline fishery interactions
12. Other business
13. Public comment
14. Pelagic Plan Team Recommendations

The order in which the agenda items are addressed may change. The PPT will meet as late as necessary to complete scheduled business.

Although non-emergency issues not contained in this agenda may come before the PPT for discussion, those issues may not be the subject of formal action during these meetings. Plan Team action will be restricted to those issues specifically listed in this document and any issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 11, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–08624 Filed 4–15–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

National Telecommunications and Information Administration

Notice of Public Meetings on Copyright Policy Topics (as Called for in the Department of Commerce Green Paper, Copyright Policy, Creativity, and Innovation in the Digital Economy)

AGENCY: United States Patent and Trademark Office, U.S. Department of Commerce; National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of public roundtables.

SUMMARY: In the Department of Commerce's Internet Policy Task Force (Task Force) Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy (Green Paper), released on July 31, 2013, and in its later Request for Comments issued on Oct. 3, 2013, the Task Force stated its intention to convene roundtables on certain copyright topics, namely: the legal framework for the creation of remixes, the relevance and scope of the first sale doctrine in the digital environment, and the appropriate calibration of statutory damages in the contexts of individual file sharers and of secondary liability for large-scale infringement. In accordance with these previous announcements, the Task Force plans to hold four roundtables in cities across the United States in May, June, and July 2014. See the Instructions and Information on the Public Roundtables below regarding how to participate in or observe the roundtable discussions.

DATES: The four roundtables are scheduled to be held in: (1) Nashville, TN on May 21, 2014, (2) Cambridge, MA on June 25, 2014, (3) Los Angeles, CA on July 29, 2014, and (4) Berkeley, CA on July 30, 2014. All roundtables will begin at 8:30 a.m. and end at 5:00 p.m. Requests to participate and observe are due three weeks in advance of each of the respective roundtables on the following dates, by 5:00 p.m. E.S.T.: (1) April 30, 2014 for the Nashville roundtable, (2) June 4, 2014 for the Cambridge roundtable, (3) July 8, 2014 for the Los Angeles roundtable, and (4) July 9, 2014 for the Berkeley roundtable. The agendas and webcast information will be available a week before each of the roundtables on the Task Force Web site, *http://www.ntia.doc.gov/Internetpolicytaskforce* and the USPTO's Web site, *http://www.uspto.gov/ip/global/copyrights/index.jsp.*

ADDRESSES: The Task Force will hold the initial roundtable on May 21st at Flynn Auditorium, Vanderbilt University Law School, 131 21st. Ave. S. in Nashville, TN 37203, the second roundtable on June 25th at Wasserstein Hall, Harvard University Law School, 1585 Massachusetts Ave in Cambridge, MA 02138, the third roundtable on July 29th in Los Angeles, CA at a location to be announced shortly on the Web sites listed above, and the fourth roundtable on July 30th at the Bancroft Hotel, 2680 Bancroft Way in Berkeley, CA 94704.

FOR FURTHER INFORMATION CONTACT: For further information regarding the roundtables, please contact Ann Chaitovitz, Ben Golant, or Hollis Robinson, Office of Policy and International Affairs, United States Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, VA 22314; telephone (571) 272–9300. Email questions should be sent to *copyrightpolicyroundtable@uspto.gov.* Sign up for the USPTO's Copyright Alert subscription at *enews.uspto.gov* to receive updates about the roundtables.

Please direct all media inquiries to the Office of the Chief Communications Officer, USPTO, at (571) 272–8400.

SUPPLEMENTARY INFORMATION:

Roundtable Discussions

In the Green Paper on Copyright Policy, Creativity, and Innovation in the Digital Economy (Green Paper), released on July 31, 2013, and in its subsequent request for public comments, 78 FR 61337 (October 3, 2013), the Task Force stated its intention to hold roundtable discussions on (1) the legal framework for the creation of remixes; (2) the relevance and scope of the first sale doctrine in the digital environment, and (3) the appropriate calibration of statutory damages in the contexts of (i) individual file sharers and (ii) secondary liability for large-scale infringement. *See* Request for Public Comments and Notice of Public Meeting, 78 FR 61337–38 (Oct. 3, 2013), available at *http://www.ntia.doc.gov/files/ntia/publications/ntia_pto_rfc_10032013.pdf.*

On December 12, 2013, the Task Force held a day-long public meeting to discuss the issues identified for further work in the Green Paper, which included panel discussions on remixes, the first sale doctrine, and statutory damages, as well as other topics. The Task Force also sought written comments both prior to and after the December 12, 2013 meeting on these

subjects. An archive of the webcast of the public meeting is available at *http://new.livestream.com/uspto/copyright,* and a transcript is available at *http://www.uspto.gov/ip/global/copyrights/121213-USPTO-Green_Paper_Hearing-Transcript.pdf.* Copies of the comments received are available at *http://www.uspto.gov/ip/global/copyrights/green_paper_public_comments.jsp.*

The purpose of the planned roundtables is to seek additional input from the public in order for the Task Force to have a complete and thorough record upon which to make recommendations.

Each of the scheduled roundtables will be divided into separate, consecutive, sessions addressing the following topics raised in the Green Paper: (1) The legal framework for the creation of remixes; (2) the relevance and scope of the first sale doctrine in the digital environment; and (3) the appropriate calibration of statutory damages in the contexts of (i) individual file sharers and (ii) secondary liability for large-scale infringement. Time will be reserved at the end of each session within each roundtable for observers and viewers to comment upon the topic discussed during the session. While the subject matter will be consistent across each of the four roundtables, the allotted time for each session may vary to accommodate the specific interests of the participants at each location. In order to maximize participation, no formal opening statements or presentations are expected.

The roundtables will focus on (1) the questions set out in the October 3rd **Federal Register** Notice, 78 FR at 61338–39, (2) the issues raised in the stakeholder comments filed both before and after the Dec. 12 meeting, and (3) points made at the December 12th public meeting. Individuals participating in the roundtables may be posed questions on any of these issues.

Instructions and Information on the Public Roundtables

The roundtables will take place on May 21st (Flynn Auditorium, Vanderbilt University Law School, 131 21st. Ave. S. in Nashville, TN), June 25th (Wasserstein Hall, Harvard University Law School, 1585 Massachusetts Ave. in Cambridge, MA), July 29th (location in Los Angeles, CA to be announced) and July 30th (the Bancroft Hotel, 2680 Bancroft Way in Berkeley, CA).

Interested parties may request to participate in, or to observe, the roundtable discussions by submitting a request form, available at *https://www.signup4.net/public/ap.aspx?EID=THEG32E&OID=130.*[1] Participation will entail responding to questions from Task Force members and engaging with other participants, whereas observation will entail listening to, but not participating in, the discussions, although there will be time for observers to comment at the end of the discussion. Parties who wish to attend roundtables in multiple locations should submit a separate request form for each location. When completing request forms, interested parties should identify the particular discussion or discussions they wish to participate in or observe. We will respond to the requests to participate or observe two weeks before the day the roundtable will be held. Please note that the Task Force may not be able to grant all requests but will seek to maximize participation to the extent possible.

Participants and observers should arrive at least one-half hour prior to the start of the roundtable and must present valid government-issued photo identification upon arrival. The Task Force will provide additional information on directions and parking in the agendas for each of the roundtables.

The roundtables will be webcast. A transcription service will also be present. The transcriptions will be made available on both the Task Force and USPTO Web sites after each roundtable.

The roundtables will be physically accessible to people with disabilities. Individuals requiring accommodation, such as sign language interpretation, real-time captioning of the webcast or other ancillary aids, should communicate their needs to Hollis Robinson, Office of Policy and International Affairs, United States Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, VA 22314; telephone (571) 272–9300; email *hollis.robinson@uspto.gov,* at least seven (7) business days prior to the roundtable.

Dated: April 11, 2014.

Michelle K. Lee,

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

Lawrence E. Strickling,

Assistant Secretary of Commerce for Communications and Information.

[FR Doc. 2014–08627 Filed 4–15–14; 8:45 am]

BILLING CODE 3510–16–P

[1] Individuals who are unable to send requests via the Web site should contact Hollis Robinson at (571) 272–9300 to make alternative arrangements for submission of their requests to participate.

BUREAU OF CONSUMER FINANCIAL PROTECTION

Privacy Act of 1974, as Amended

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of a Revised Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial Protection hereinto referred to as the Consumer Financial Protection Bureau (CFPB), gives notice of the establishment of a modified Privacy Act System of Records.

DATES: Comments must be received no later than May 16, 2014. The system of records will be effective May 27, 2014 unless the comments received result in a contrary determination.

ADDRESSES: You may submit comments, by any of the following methods:

- *Electronic: privacy@cfpb.gov.*
- *Mail/Hand Delivery/Courier:* Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

Comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435–7220. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552, (202) 435–7220.

SUPPLEMENTARY INFORMATION: The CFPB revises its Privacy Act System of Records Notice (''SORN'') ''CFPB.005—Consumer Response System.'' In revising this SORN, the CFPB modifies the purpose(s) for which the system is maintained to clarify that the information will be used for administrative purposes, to ensure quality control, performance, and improving management processes; modifies the categories of individuals covered by the system to clarify that the CFPB does not retrieve records pertaining to third-party individuals who may be mentioned in complaints or inquiries by their personal identifiers; and adds individuals who are the

subjects of complaints by virtue of their engagement in business as a sole proprietor; adds a new routine use to clarify that disclosure is appropriate for the purpose of performing audit or oversight operations authorized by law, but only information that is necessary and relevant to the audit or oversight function; and updates the retention and disposal of records to reflect the applicable records retention schedules.

The report of the revised system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated November 30, 2000,[1] and the Privacy Act, 5 U.S.C. 552a(r).

The revised system of records entitled ''CFPB.005—Consumer Response System'' is published in its entirety below.

Dated: April 9, 2014.

Claire Stapleton,

Chief Privacy Officer, Bureau of Consumer Financial Protection.

CFPB.005

SYSTEM NAME:

CFPB Consumer Response System.

SYSTEM LOCATION:

Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are individuals who submit complaints or inquiries to the CFPB (on their own or others' behalf), individuals on whose behalf complaints or inquiries are submitted by others (such as attorneys, members of Congress, third party advocates, and/or other governmental organizations); and individuals who are the subjects of complaints by virtue of their engagement in business as a sole proprietor. This includes complaints or inquiries received by prudential regulators, the Federal Trade Commission, other federal agencies, state agencies or the CFPB. The term ''prudential regulators'' refers to any federal banking agency, as that term is defined in section 3 of the Federal Deposit Insurance Act, and the National Credit Union Administration. Information collected regarding consumer products and services is subject to the Privacy Act only to the extent that it concerns individuals; information pertaining to corporations and other business entities and organizations is not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system may contain: (1) Correspondence or other information received; (2) information from the entity or individual referring the inquiry or complaint; (3) records created of verbal communications by or with complainants or other individuals; (4) information regarding third party advocates or others who submit complaints or inquiries on another's behalf; (5) information identifying the entity that is the subject of the complaint or inquiry or its employees; (6) communication with or by the entity that is the subject of the complaint or inquiry or its employees; (7) unique identifiers, codes, and descriptors categorizing each complaint or inquiry file; (8) information about how complaints or inquiries were responded to or referred, including any resolution; (9) records used to respond to or refer complaints or inquiries, including information in the CFPB's other systems of records; and (10) identifiable information regarding both the individual who is making the inquiry or complaint, and the individual on whose behalf such inquiry or complaint is made, and employees of the entity about which the complaint or inquiry was made, including name, social security number, account numbers, address, phone number, email address, date of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 111–203, Title X, Sections 1011, 1012, 1013(b)(3), 1021, 1034, codified at 12 U.S.C. 5491, 5492, 5493(b)(3), 5511, 5534.

PURPOSE(S):

The information in the system is being collected to enable the CFPB to receive, respond to, and refer complaints or inquiries regarding consumer financial products or services. The system serves as a record of the complaint or inquiry, and is used for collecting complaint or inquiry data; responding to or referring the complaint or inquiry; aggregating data that will be used to inform other functions of the CFPB and, as appropriate, other agencies and/or the public; and preparing reports as required by law. The information will also be used for administrative purposes to ensure quality control, performance, and improving management processes. This system consists of complaints or inquiries received by the CFPB or other entities and information concerning responses to or referrals of these complaints or inquiries, as appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES TO:

These records may be disclosed, consistent with the CFPB Disclosure of Records and Information Rules promulgated at 12 CFR 1070 *et seq.* to:

(1) Appropriate agencies, entities, and persons when: (a) The The CFPB suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the CFPB has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the CFPB or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the CFPB's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(2) Another federal or state agency to: (a) Permit Permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency; or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(3) The Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf;

(4) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of the CFPB or Federal Government and who have a need to access the information in the performance of their duties or activities;

(6) The U.S. Department of Justice (''DOJ'') for its use in providing legal

[1] Although pursuant to section 1017(a)(4)(E) of the Consumer Financial Protection Act, Public Law 111–203, the CFPB is not required to comply with OMB-issued guidance, it voluntarily follows OMB privacy-related guidance as a best practice and to facilitate cooperation and collaboration with other agencies.

advice to the CFPB or in representing the CFPB in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the CFPB to be relevant and necessary to the advice or proceeding, and in the case of a proceeding, such proceeding names as a party in interest:

(a) The CFPB;

(b) Any employee of the CFPB in his or her official capacity;

(c) Any employee of the CFPB in his or her individual capacity where DOJ or the CFPB has agreed to represent the employee; or

(d) The United States, where the CFPB determines that litigation is likely to affect the CFPB or any of its components;

(7) A court, magistrate, or administrative tribunal in the course of an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(8) Appropriate agencies, entities, and persons, to the extent necessary to obtain information needed to investigate, resolve, respond, or refer a complaint or inquiry;

(9) Appropriate federal, state, local, foreign, tribal, or self-regulatory organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, policy, or license if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order, policy or license;

(10) An entity or person that is the subject of the complaint or inquiry and the counsel or non-attorney representative for that entity or person;

(11) Appropriate agencies, entities, and persons for the purpose of performing audit or oversight operations authorized by law, but only such information as is necessary and relevant to such audit or oversight function; and

(12) Federal and state agencies for the purpose of facilitating the data sharing requirements described in 12 U.S.C. § 5493(b)(3)(D) concerning consumer complaint information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPENSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Records are retrievable by a variety of fields including without limitation the individual's name, social security number, complaint/inquiry case number, address, account number, transaction number, phone number, date of birth, or by some combination thereof.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

RETENTION AND DISPOSAL:

The CFPB will maintain electronic and paper records for Consumer Response records under the National Archives and Records Administration (NARA) records schedule, N1–587–12–05 and N1–587–12–04.

SYSTEM MANAGER(S) AND ADDRESS:

The Consumer Financial Protection Bureau, Division of the Chief Operating Officer, Office of Consumer Response, 1700 G Street NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing in Title 12, Chapter 10 of the CFR, ''Disclosure of Records and Information.'' Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' above.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from individuals and entities filing complaints and inquiries, other governmental authorities, and entities that are the subjects of complaints and inquiries.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. § 552a(k)(2), to the extent that the Consumer Response System contains investigatory materials compiled for law enforcement purposes those materials are exempt from disclosure under 5 U.S.C. § 552a.

[FR Doc. 2014–08555 Filed 4–15–14; 8:45 am]

BILLING CODE 4810–AM–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. CPSC–2014–0009]

Carbon Monoxide/Combustion Sensor Forum and Request for Information

AGENCY: Consumer Product Safety Commission.

ACTION: Announcement of meeting and request for information.

SUMMARY: The Consumer Product Safety Commission (CPSC, Commission, or we) is announcing that the CPSC intends to hold a forum on carbon monoxide/combustion sensors. Through this announcement, we are also issuing a Request for Information (RFI) seeking information on the availability of sensors that are capable of: (1) Operating within the flue passageways of a gas appliance or similar environment; (2) directly or indirectly monitoring carbon monoxide levels or other gases or environmental conditions associated with the production of dangerous levels of carbon monoxide; and (3) providing a shutdown or other preemptive signal in response to dangerous levels of carbon monoxide. We invite interested parties to provide information responsive to the RFI and to attend and participate in the forum and to submit comments responsive to the forum agenda.

DATES: The forum will be held from 9:00 a.m. to 4:00 p.m. on June 3, 2014. Individuals interested in serving on panels at the forum should register by May 9, 2014; all other individuals who wish to attend the forum should register by May 23, 2014. Written comments will be received until July 7, 2014.

ADDRESSES: The forum will be held at the CPSC's National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850. There is no charge to attend the forum. Persons interested in serving on a panel or attending the forum should register online at: *http://www.cpsc.gov/meetingsignup.html*, and click on the link titled, ''Carbon Monoxide/Combustion Sensor Forum.'' For those who are unable to attend, the forum will also be webcast.

You may submit written comments, identified by Docket No. CPSC–2014–0009, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. The Commission does not accept

comments submitted by electronic mail (email), except through *www.regulations.gov.* The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions

Submit written comments in the following way:

Mail/Hand delivery/Courier, preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov* and insert the docket number CPSC–2014–0009 into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Ronald Jordan, Division of Combustion and Fire Sciences, Directorate for Engineering Sciences, 5 Research Place, Rockville, MD 20850, telephone 301–987–2219, email: *rjordan@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

a. Hazards Associated with Vented Gas Heating Appliances

Vented gas heating appliances provide comfort heat to consumers in single- and multifamily dwellings, as well as in schools, motels/hotels, and nursing homes; burn natural gas or propane as a fuel; and exhaust the by-products of combustion from the appliance to the outdoors through a vent system or chimney. Vented gas heating appliances include gas furnaces, boilers, wall furnaces, and floor furnaces. When these appliances experience certain failure modes or conditions, dangerous levels of carbon monoxide (CO) can be produced.

CO is a by-product of the incomplete combustion of hydrocarbon fuels, such as natural gas, propane and oil. Incomplete combustion in a vented gas heating appliance can occur when too much fuel or inadequate air for combustion are supplied to the burner, or when the burner flame temperature is reduced below the ignition temperature of the fuel. When the flue passageways and venting systems of appliances are intact and properly installed and maintained, CO that results from incomplete combustion is safely vented to the outdoors. However, when a compromised flue passageway or venting system (*e.g.,* a separated flue, a disconnected vent, or a hole in a vent) creates a leakage path, CO can enter the living space and present a hazard to consumers.

b. Incident Data

We analyzed death certificate data compiled by the National Center for Health Statistics (NCHS) and death certificates purchased by the CPSC from the 50 states, the District of Columbia, and New York City to estimate the number of CO poisoning deaths associated with vented gas heating appliances. According to this analysis, for the 12-year period from 1999 to 2010, there were a total estimated 369 non-fire CO poisoning deaths associated with central gas furnaces/boilers, wall furnaces, and floor furnaces. This analysis also revealed that for the years 2008 through 2010, an annual estimated 25 non-fire CO poisoning deaths were associated with these types of appliances.

CPSC staff conducted a review of In-Depth Investigations (IDIs) of non-fire-related CO incidents associated with gas furnaces and boilers: *http://www.cpsc.gov/PageFiles/130036/Updated_IDI_review_CO_and_modern_furnaces_and_boilers.pdf.* The IDI review covered the years 2002 through 2009, and revealed 83 incidents associated with carbon monoxide poisoning and gas furnaces and boilers that were determined to have been manufactured after 1987. In 73 of the 83 incidents, the investigating authorities were able to identify the failure mode of the furnace or boiler. Thirty-one of the incidents involved the breach, disconnection, or blockage of the vent, chimney, or heat exchanger. In three of the incidents, reports identified the failure mode as improper venting; and in an additional three incidents, the failure mode was depressurization or back drafting. An additional 36 incidents were associated with miscellaneous or multiple failure modes. There were 44 fatalities associated with these 83 CO poisoning incidents.

c. CPSC Staff's Activities Regarding Sensor Testing

Despite safety improvements made to the gas appliance voluntary standards in the 1980s, the governing standards for gas-fired central furnaces (ANSI Z21.47), gas-fired boilers (ANSI Z21.13), and gas-fired wall and floor furnaces (ANSI Z21.86) do not protect against many of the failure modes or conditions observed to cause or contribute to CO exposure incidents.

1. CPSC's Activities with Voluntary Standards Organizations

For more than a decade, CPSC staff has worked with voluntary standard organizations to encourage including CO shutoff requirements in voluntary standards. In 2000, to address CO poisoning risks, CPSC staff recommended that the governing voluntary standard group, the ANSI Z21.47 Central Furnace Subcommittee, add a provision to the ANSI furnace standard that would require a means to prevent furnaces from producing concentrations of CO in excess of 400 parts per million (ppm) (the carbon monoxide emission limit set forth in the voluntary standard for gas furnaces, ANSI Z21.47) or cause the shutdown of furnaces in response to those CO levels. *http://www.cpsc.gov/PageFiles/106498/Letter_ANSI_Z21.47_COemissions_furnace2_to_5_CO_shutoff_proposal.pdf.*

In 2001, CPSC staff began investigating combustion gas sensing technologies that might be used to detect CO in appliance flue passageways and provide a shutoff or some other preemptive response to dangerous levels of CO. CPSC staff tested sensor technologies to demonstrate the ability of CO/combustion sensors to provide detection and shutdown response to CO concentrations in excess of 400 ppm. At the conclusion of this testing, CPSC staff determined that existing CO sensor technology could be used to detect CO concentrations in excess of 400 ppm in vented gas heating appliances and shut down the appliance. *http://www.cpsc.gov/PageFiles/98232/Furnace_combustion_sensor_test_results.pdf.* CPSC staff provided these test results to the Z21.47 furnace subcommittee to support CPSC staff's earlier proposal that the furnace standard be revised to require that vented gas heating appliances be required to detect dangerous levels of CO and shut down if high levels of CO are detected.

The Z21.47 subcommittee referred CPSC's CO shutoff proposal to the ANSI Z21/83 Technical Committee (Technical Committee), which in 2002, established the ANSI Z21/83 Ad Hoc Working Group for CO Combustion Sensors (AHWG). AHWG was tasked with developing test and work plans to evaluate the feasibility of using gas and

combustion sensing technologies for CO shutoff of furnaces and other vented gas heating appliances and, if warranted, begin development of an appropriate standard.

CPSC staff worked with the AHWG from 2002 through 2004 to complete the test criterion. The Technical Committee met in September 2005, and decided not to pursue CO/combustion sensor testing, citing concerns that there were no commercially available sensors that were:

(1) Durable enough to withstand the furnace operating environment, or

(2) had the expected life span (*e.g.,* 15 years) of a furnace.

In response to the Technical Committee's decision not to pursue CO sensor testing, CPSC staff conducted a test program from 2007 through 2008 to evaluate the durability and longevity of sensors operating in a gas furnace environment. *http://www.cpsc.gov/PageFiles/129834/CO_sensor_durability_and_longevity_testing.pdf*. The purpose of the test program was to address the concerns about sensor durability and longevity raised by the Technical Committee at their 2005 meeting. Therefore, the testing only included those portions of the test criteria developed by the AHWG relevant to durability and longevity. The test results demonstrated the availability of chemical sensors capable of withstanding the harsh operating environment of a furnace and potentially surviving throughout the life span of the furnace. Based on the results of this testing, CPSC staff concluded that the inclusion of a CO shutoff requirement in the voluntary standard was technologically feasible. CPSC staff shared the report on the test results with the Technical Committee, as well as the Technical Advisory Groups (TAG) for gas furnaces (ANSI Z21.47 TAG) and gas boilers (ANSI Z21.13 TAG).

2. Gas Technology Institute Report

In 2011, the Gas Technology Institute (GTI) (a research, development and training organization that develops technology-based solutions in the natural gas and energy fields for industry, government and consumers) prepared a report titled, ''Technical Feasibility Study Carbon Monoxide Sensing Safety Systems for Appliances'' (GTI Report). *http://www.ari.org/App_Content/ahri/files/RESEARCH/Technical%20Results/AHRI-8001%20Final%20Report.pdf.*

The purpose of the GTI Report was to ''establish a technical baseline for considering the practical feasibility of integrating CO sensors into gas appliances, and to identify critical areas needing further development or research.'' According to the GTI Report, there are several factors that prevent CO sensors from functioning properly when used in a gas-fired appliance:

- The temperature and humidity conditions in the flue or combustion chamber;
- the presence of contaminants in the flue or combustion chamber; and
- the short life span of CO sensors (6 years) when compared to the life span of gas-fired appliances (20 years).

The GTI Report concluded that ''extensive research is required before current designs of CO sensors would be able to operate in the combustion chamber or the flue of a gas-fired appliance for a length of time for use as a safety or combustion control device.'' This conclusion is inconsistent with the results of CPSC staff's sensor testing that in CPSC staff's view demonstrated the availability of chemical sensors capable of withstanding the harsh operating environment of a furnace and potentially surviving throughout the life span of the furnace.

II. Request for Information

a. Purpose

We request information to help CPSC staff gain a broader understanding of the availability and the state of the art of all sensor technologies that are capable of being used within the heat exchangers, flue passageways, and/or vent systems of vented gas heating appliances to shut down the appliance in response to dangerous levels of CO in these areas of the appliance or upon detection of incomplete combustion conditions that can lead to the production of dangerous levels of CO.

CPSC is interested in information regarding sensor technologies that:

- Determine CO concentration by directly measuring CO levels;
- determine CO concentration indirectly by measuring other combustion gases, such as carbon dioxide, oxygen, or unburned natural gas or liquefied petroleum gas (LP-gas), or environmental conditions, such as temperature, humidity, or displacement; and
- detect incomplete combustion conditions that could result in the production of dangerous levels of CO.

We are also interested in sensor technologies at various stages of product life-cycle development, including:

- full-scale production models
- prototypes that are less than 2 years from full-scale production; and
- prototypes between two and 5 years from full-scale production.

CPSC staff is aware that CO/combustion sensing technology is already in use with vented gas heating appliances in Japan and believes that actions such as including this technology in vented gas heating appliances in the United States could help reduce the risks of death and injury associated with CO exposure from these products. CPSC staff would like to learn more about Japan's experience with this technology, and we expect that responses to the request for information will provide helpful information in this regard. CPSC will use information gained from responses to the RFI and from the forum to determine future work to reduce the risks of death and injury associated with CO exposure.

b. Information Requested

In preparing information or comments for the RFI and for consideration at the forum, commenters should be aware of the typical operating environment of a vented gas appliance and some basic operating requirements of a CO/combustion sensor cited in the table below. Response range and maximum exposure limits for sensors that detect other target gases or environmental conditions will vary.

Criteria	Range
Temperature	−40 to 500 degrees F
Humidity	0 to 100%
CO Sensor Response Range	0 to 400 ppm
Maximum CO Sensor Exposure.	3000 ppm
Lifespan	5, 10,15, & 20 years
Accuracy	5%
Supply voltage to sensor	0 to 10 VDC; 0 to 24 VAC

CPSC staff is particularly interested in receiving the following information:

- Detailed descriptions of gas or environmental condition sensors that the commenter currently manufactures or has developed or worked with, and that are used or capable of being used for an in-flue application, or similar environment, to shut off vented gas heating appliances reliably when dangerous levels of CO or incomplete combustion are detected.
  - ○ Data from completed testing that demonstrates the capability of the sensors to operate within the flue passageways of vented gas heating appliances, or similar environments, and the expected life of sensors installed in these appliances or similar environments.
  - ○ Quantitative Accelerated Life Testing (QALT) data that demonstrate the sensors' ability to perform reliably when installed in gas heating appliances; and/or

○ Mean Time Between Failure (MTBF) data and other sensor life data at normal and overstress use conditions.

• Detailed descriptions of prototype gas or environmental condition sensors that the commenter has developed, worked with, or expects to be ready for full-scale production within 1 to 2 years and that are capable of being used for an in-flue application, or similar environment, to shut off vented gas heating appliances reliably when dangerous levels of CO or incomplete combustion are detected.

○ Preliminary or intermediate data of completed testing or testing the commenter expects to complete within the next 1 to 2 years that demonstrates the capability of the sensors to operate within the flue passageways of vented gas heating appliances, or similar environments, and the expected life of sensors installed in these appliances or similar environments should be provided.

○ QALT data that demonstrate the sensors' ability to perform reliably when installed in vented gas heating appliances; and/or

○ MTBF data and other sensor life data at normal and overstress use conditions.

• Plans for testing or development that the commenter intends to pursue during the next 1 to 2 years that may demonstrate that a gas or environmental condition sensor is capable of being used for an in-flue application, or similar environment, to shut off gas heating appliances reliably when dangerous levels of CO or incomplete combustion are detected.

○ Plans to conduct QALT to substantiate the sensor's ability to perform properly when installed in a vented gas heating appliance, or similar environment, and to measure MTBF and other sensor life data at normal and overstress conditions.

• Past, present, or future (*i.e.,* within the next 1 to 2 years) efforts to market the above-described gas or environmental condition sensors to the gas appliance industry or other industries with similar operating environments (*e.g.,* automotive industry).

• The current or estimated wholesale cost of gas or environmental condition sensors supplied to an appliance manufacturer or an end user with a similar operating environment for full-scale production (if available).

III. Carbon Monoxide/Combustion Sensor Forum

The forum will take place on June 3, 2014. The forum will be comprised of a plenary session and technological solutions sessions (detailed in section III. b.) The first session will discuss hazard patterns that lead to CO exposure, available mechanisms that exist to address the hazards, and efforts over the years to address the hazards. This session will serve as background and provide the context for the afternoon sessions.

The subsequent sessions will focus on possible technological solutions to address the hazard, barriers to further development of technologies for an in-flue shutoff application (*i.e.,* a sensor located within the heat exchanger or flue passageways of a gas heating appliance that will shut off the appliance when elevated levels of CO are detected), and cooperation among stakeholders. Each session will provide interested parties the opportunity to present their research, developments, or expert knowledge on the topic area. Each session will conclude with time for open discussion and questions and answers led by CPSC staff moderators.

a. What do we hope the forum will accomplish?

Current voluntary standards do not address all failure mechanisms that are known to result in CO exposure from vented gas heating appliances. CPSC staff successfully demonstrated the concept of using CO shutoff sensors in a gas furnace in 2001and 2004 (*http://www.cpsc.gov/PageFiles/98232/Furnace_combustion_sensor_test_results.pdf; http://www.cpsc.gov/PageFiles/103897/Combustion_sensor_test_results.pdf*), and the durability of some sensors to operate in the harsh environment of a gas furnace, possibly for the life of the appliance in 2012 (*http://www.cpsc.gov/PageFiles/129834/CO_sensor_durability_and_longevity_testing.pdf*).

Based on the results of this testing, CPSC staff believes that CO and other gas/environmental condition sensors are technically feasible solutions that could address risks and related deaths and injuries associated with vented gas heating appliances. However, CPSC staff would like to obtain additional information to build a broader understanding of sensor technologies currently available and under development, as well as any barriers to using these technologies in a vented gas heating appliance. CPSC staff invites sensor manufacturers, appliance manufacturers, standards organization representatives, consumer groups, and other stakeholders to participate in the Carbon Monoxide/Combustion Sensor Forum.

The goals of the forum are:

1. To inform forum attendees of the hazards identified by CPSC staff and efforts made so far to address the hazards of CO poisoning from vented gas heating appliances;
2. To gain a broader understanding of the scope, state of the art, and availability of sensor technologies being used in, or capable of being used in, an in-flue shut off application or similar harsh environments;
3. To gain a better understanding of the scope, state of development, and availability of prototype gas or combustion sensors that may be commercially available within 1 to 5 years and that are capable of being used in an in-flue shut off application or similar harsh environments;
4. To gain a better understanding of potential barriers to further development and commercialization of sensors used in, or capable of being used in, an in-flue shut off application or similar harsh environments;
5. To gain a better understanding of potential failure modes likely to be encountered in using gas sensors in an in-flue shut off application or similar harsh environments and strategies to mitigate those failure modes;
6. To gain a better understanding of the expected life of sensors used in an in-flue shut off application or similar harsh environments; and
7. To encourage development of technological solutions to the stated problem among forum attendees and to foster cooperative relationships among forum attendees to achieve those solutions.

b. What topics will be addressed at the forum?

The forum will focus on various technological means of reducing the risk of CO exposure from vented gas heating appliances under a variety of conditions. We recommend that all potential panelists consider this general theme when preparing for the forum. We list suggested topics below. CPSC staff reserves the right to include or decline topics based on whether staff believes the topics will aid the forum objectives or fit within the time constraints of a 1-day event.

Forum Topic Areas

1. CPSC and stakeholder efforts to address CO hazards resulting from malfunctioning gas heating appliances.

• Suggested topics:

○ Results of testing of CO sensing technology for functionality, longevity, and durability;

○ exploration of CO sensor testing being performed by gas heating appliance manufacturers;

○ U.S. and international voluntary standard development organization activity addressing CO exposure hazards.

2. Use of sensor technology for safe shutdown of a gas heating appliance when incomplete combustion or dangerous levels of CO are detected.

• Suggested topics:

○ Operating environment of sensors, types of gases and environmental parameters to monitor;

○ operating ranges and expected life of sensors;

○ scope, state of the art, and availability of sensor technologies currently being used to shut off gas heating appliances when incomplete combustion or dangerous levels of CO are detected or that are used in similar, harsh environments;

○ scope, state of the art, and availability of prototype gas sensors that may be commercially available for this purpose within 1 to 5 years; barriers to development and commercialization of sensors capable of being used in the in-flue shut off application or similar harsh environments;

○ potential cooperative relationships to bring existing technologies to market and further develop near term technologies.

We may combine, expand, or eliminate panel sessions depending on the level of interest. We will announce the final agenda on the CPSC Web site by May 28, 2014.

c. Details Regarding the Forum

1. When and where will the forum be held?

The forum will be held from 9:00 a.m. to 4:00 p.m. on June 3, 2014, at the CPSC's National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850. The forum will also be available through a webcast, but viewers will not be able to interact with the panelists.

2. How do you register for the forum?

Panelists. If you would like to be considered as a panel member for a specific topic or topics at the forum, you should register on or before May 9, 2014. (See the **ADDRESSES** section of this document for the Web site link and instructions on where to register.) We ask that you indicate the panel or panels on which you would like to serve and each topic for which you wish to be considered. We ask that each potential panelist submit a brief (less than 200 word) abstract of the panelist's area of expertise and proposed topic, and a draft presentation or outline at the time of registration to Mr. Ronald Jordan, Division of Combustion and Fire Sciences, Directorate for Engineering Sciences, *rjordan@cpsc.gov.*

Although we will make an effort to accommodate all persons who wish to be panelists, we expect to limit each panel session to no more than five panelists. We will select panelists based on considerations such as the individual's demonstrated familiarity or expertise with the topic to be discussed, the practical utility of the information to be presented, and the individual's viewpoint, expertise, or ability to represent certain interests (such as appliance manufacturers, sensor manufacturers, consumer organizations, and standards organizations). We recommend that individuals and organizations with common interests consolidate or coordinate their presentations.

For the panel discussion focusing on technological solutions, CPSC staff is seeking sensor manufacturing representatives, appliance manufacturing representatives (with demonstrated experience working with sensors in this application), and regulatory or standards development organization representatives (who have worked on or developed standards for sensor or other similar technologies for this or similar applications).

We will notify selected panelists on or before May 23, 2014. If you are selected as a panelist and want to make copies of your presentation or other handouts available, you should bring copies for dissemination to the forum. Please inform Mr. Ronald Jordan, *rjordan@cpsc.gov,* 301–987–2219, if you need any special equipment to make a presentation.

Other participants. If you wish to attend and participate in the forum but do not wish to be a panelist, you should register on or before May 23, 2014, and identify your affiliation. Every effort will be made to accommodate each person's request; however, we may need to limit registration to meet the occupant capacity of our meeting room.

If you need special accommodations because of a disability, please contact Mr. Ronald Jordan, *rjordan@cpsc.gov,* 301–987–2219, at least 10 business days before the forum.

The forum will be available through a webcast, but you will not be able to interact with the panelists. You do not need to register for the webcast. The forum will also be taped and made available for viewing on the CPSC Web site.

Written comments. If you wish to submit written comments, you may do so before or after the forum by any of the methods stated in the **ADDRESSES** portion of this notice. These comments will be accepted until July 7, 2014, and should be restricted to topics covered by the forum, as described in this Announcement.

3. What will be the format of the forum?

The forum will open with a plenary session that includes a brief overview of the Commission's past activities addressing CO exposure resulting from malfunctioning or improperly installed/maintained gas heating appliances. Following that, a series of panels will address one or more of the topics listed above, depending on registrations. Panel sessions are expected to consist of stakeholders and members of the public and will be moderated by CPSC staff. We expect potential panelists to speak for no more than 10 minutes each about their topic area. At the conclusion of each of the panel's presentations, there will be a question, answer, and discussion session among the panelists and the audience, centering on the topics discussed by the panelists. Each panel session is expected to last approximately 1 hour and 45 minutes.

All attendees will be given the opportunity to ask questions and make comments during the question, answer and discussion session following each panel.

4. What happens if no one registers for the forum?

If no one registers for the forum, we will cancel the forum. If we decide to cancel the forum for this or any other reason, we will post a cancellation notice on the registration Web page for the forum and send an email to all registered participants who provide their email address when they register. If the forum is cancelled, written comments that are submitted as set forth in this Announcement will be accepted.

Dated: April 9, 2014.

Todd A. Stevenson,

Secretariat, Consumer Product Safety Commission.

[FR Doc. 2014–08607 Filed 4–15–14; 8:45 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce

paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. Sec. 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 requirement on respondents can be properly assessed. Currently, CNCS is soliciting comments concerning its proposed renewal of Financial Management Survey, OMB No. 3045–0102. The Financial Management Survey collects information from new grantees about their financial management and internal control systems so the CNCS can determine if appropriate systems are in place to manage federal grant funds or, if not, to identify training and technical assistance a new grantee may need to develop and implement appropriate systems. The CNCS requires new grantees which have never before received Corporation funds to complete the form. Completion of this survey is required as an element of CNCS' risk assessment process, but is independent from the competitive grant process.

Copies of the information collection request can be obtained by contacting the office listed in the Addresses section of this Notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by June 16, 2014.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Margaret Rosenberry, Director, Office of Grants Management, Room 8207, 1201 New York Avenue NW., Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) Electronically through *www.regulations.gov.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Douglas Godesky, Senior Grants Officer, 202–606–6967 or by email at *dgodesky@cns.gov.*

SUPPLEMENTARY INFORMATION: CNCS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background

Organizations that are receiving CNCS grant funds for the first time complete the form. It can be completed and submitted via email. The survey requests some existing organizational documents, such as an IRS Form 990 and audited financial statements. Organizations can provide those documents electronically or submit them on paper.

Current Action

CNCS seeks to renew the current information collection. The renewed information collection includes the correction of minor administrative and typographical errors and simplifies the submission instructions.

The information collection will otherwise be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application is due to expire on June 30, 2014.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Financial Management Survey.

OMB Number: 3045–0102.

Agency Number: None.

Affected Public: Organizations that are first time grant recipients to the CNCS.

Total Respondents: 20.

Frequency: Once.

Average Time per Response: Averages 1.75 hours.

Estimated Total Burden Hours: 35 hours.

Total Burden Cost (Capital/Startup): None.

Total Burden Cost (Operating/Maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 10, 2014.

Margaret Rosenberry,

Director, Office of Grants Management.

[FR Doc. 2014–08643 Filed 4–15–14; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 14–06]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 14–06 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: April 10, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

APR 07 2014

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 14-06, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost $98 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 14–06

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Korea

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 84 million
Other	$ 14 million
TOTAL	$ 98 million

* As defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* 76 AIM–9X–2 Sidewinder Block II All-Up-Round Missiles, 24 CATM–9X–2 Captive Air Training Missiles, 8 CATM–9X–2 Block II Missile Guidance Units, and 4 AIM–9X–2 Block II Tactical Guidance Units, containers, missile support and test equipment, provisioning, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related logistics support, and other related elements of logistics and program support.

(iv) *Military Department:* Navy (ALC)

(v) *Prior Related Cases:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex attached.

(viii) *Date Report Delivered to Congress: 07 April 2014*

POLICY JUSTIFICATION

Korea—AIM–9X–2 Sidewinder Missiles

The Government of the Republic of Korea (ROK) has requested a possible sale of 76 AIM–9X–2 Sidewinder Block II All-Up-Round Missiles, 24 CATM–9X–2 Captive Air Training Missiles, 8 CATM–9X–2 Block II Missile Guidance Units, and 4 AIM–9X–2 Block II Tactical Guidance Units, containers, missile support and test equipment, provisioning, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related logistics and program support. The estimated cost is $98 million.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by meeting the legitimate security and defense needs of an ally and partner nation. The ROK continues to be an important force for peace, political stability and economic progress in North East Asia.

The ROK intends to use these AIM–9X missiles to supplement its existing missile capability and current weapon inventory. This sale will contribute to the ROK's force modernization goals and enhance interoperability with U.S. forces. The ROK will use this enhanced capability to strengthen its homeland defense and deter regional threats.

The proposed sale of this weapon system will not alter the basic military balance in the region.

The principal contractor will be Raytheon Missile Systems Company in Tucson, Arizona. There are no known offset requirements in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor personnel to Korea. However, U.S. Government or contractor personnel in-country visits will be required on a temporary basis in conjunction with program technical and management oversight and support requirements.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 14–06

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AIM–9X–2 Block II Sidewinder Missile represents a substantial increase in missile acquisition and kinematics performance over the AIM–9M and replaces the AIM–9X Block I Missile. The missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe and the ability to integrate the Helmet Mounted Cueing System. The software algorithms are the most sensitive portion of the AIM–9X–2 missile. The software continues to be modified via a pre-planned product improvement (P^3I) program in order to improve its counter-countermeasure capabilities. No software source code or algorithms will be released. The missile is classified as Confidential.

2. The AIM–9X–2 will result in the transfer of sensitive technology and information. The equipment, hardware, and documentation are classified Confidential. The software and operational performance are classified Secret. The seeker/guidance control section and the target detector are Confidential and contain sensitive state-of-the-art technology. Manuals and technical documentation that are necessary or support operational use and organizational management are classified up to Secret. Performance and operating logic of the counter-countermeasures circuits are classified Secret. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters and similar critical information.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar advanced capabilities.

4. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Korea.

[FR Doc. 2014–08543 Filed 4–15–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2014–OUS–0040]

Request for Information on the Use of APIs in Higher Education Data and Student Aid Processes

AGENCY: Department of Education.

ACTION: Request for information.

SUMMARY: To assist in its efforts to explore potential uses of Application Program Interfaces (APIs), the U.S. Department of Education (Department) requests information regarding the use of APIs in the context of higher education data and student aid programs and processes at the Department. We invite ideas, information, and feedback from all interested parties for the purpose of making data and processes in higher education and student aid more open and accessible to students and families, in the most secure manner, as they make an investment in postsecondary education.

DATES: Written submissions must be received by the Department on or before June 2, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal, by submitting them to the email address *APIRFI@ed.gov,* or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax. To ensure that we do not receive duplicate copies, please submit your comments only one time. In addition, please include the Docket ID and the term ''Application Program Interfaces response'' at the top of your comments.

- *Federal eRulemaking Portal:* Go to *http://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 this site?''
- *Email:* To submit comments via email, send them to the address *APIRFI@ed.gov.*
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments, address them to David Soo, Attention: API RFI, U.S. Department of Education, 400 Maryland Avenue SW., Room 7E316, Washington, DC 20202.
- *Privacy Note:* The Department's policy for comments received from members of the public (including comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions available for public viewing in their entirety on

the Federal eRulemaking Portal at *http://www.regulations.gov.* Therefore, commenters should be careful to include only information that they wish to make publicly available on the Internet.

Submission of Proprietary Information: Given the subject matter, some comments may include proprietary information as it relates to confidential commercial information. The Freedom of Information Act defines ''confidential commercial information'' as information the disclosure of which could reasonably be expected to cause substantial competitive harm. You may wish to request that we not disclose what you regard as confidential commercial information.

To assist us in making a determination on your request, we encourage you to identify any specific information in your comments that you consider confidential commercial information. Please list the information by page and paragraph numbers.

This is a request for information (RFI) only. This RFI is not a request for proposals (RFP) or a promise to issue an RFP or a notice inviting applications (NIA). This RFI does not commit the Department to enter into any agreement of any kind for any supply or service whatsoever. The examination of information submitted in response to this RFI will in no way, expressed or implied, obligate the Department to purchase, rent, or otherwise acquire the information demonstrated, displayed, or furnished. Further, the Department is not seeking proposals and will not accept unsolicited proposals. The Department will not endorse any information you submit in response to this RFI and will not give any special consideration to such information on any future procurement. The Department will not pay for any information or administrative costs that you may incur in responding to this RFI. You may not file any claim against the Department or otherwise seek compensation for any information submitted in response to this RFI. If you do not respond to this RFI, you may still apply for future contracts and grants. The Department posts RFPs on the Federal Business Opportunities Web site (*http://www.fbo.gov*). The Department announces grant competitions in the **Federal Register** (*http://www.gpo.gov/fdsys*). It is your responsibility to monitor these sites to determine whether the Department issues an RFP or NIA after considering the information received in response to this RFI. The documents and information submitted in response to this RFI become the property of the U.S. Government and will not be returned.

FOR FURTHER INFORMATION CONTACT: David Soo, U.S. Department of Education, 400 Maryland Avenue SW., Room 7E316, Washington, DC 20202. Telephone: (202) 401–0429.

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:

Background

A postsecondary education is among the most important investments students can make in their futures. However, obtaining postsecondary education has grown increasingly expensive, and the processes by which students get information about, apply for, and finance higher education can be challenging and complex, particularly for low-income and first-generation college-goers. While a college education remains a valuable investment overall—average weekly earnings for those with a postsecondary degree or certificate exceed those of individuals with only a high school diploma, according to the Bureau of Labor Statistics—the average borrower with a bachelor's degree now graduates with more than $29,400 in debt, according to 2012 data from the National Postsecondary Student Aid Study. Moreover, college completion rates remain relatively low: Data from the National Center for Education Statistics indicate that only 58 percent of full-time students who began college in 2004 earned a four-year degree within six years. Students and families need reliable, timely information in an open and accessible format to identify, afford, and complete a degree or program that is affordable and will help them reach their educational and career goals.

The Administration has made access, affordability, quality, and completion in higher education centerpieces of its education agenda. With more jobs than ever requiring education beyond a high school diploma, higher education is the clearest pathway into the middle class. President Obama challenged all Americans early in his Administration to commit to at least one year of postsecondary education or training—whether at a four-year college, two-year college, or technical or trade school—and set a goal for the nation that America would once again lead the world in college completion by the year 2020. In support of these objectives, the Department provides over $150 billion each year in student financial aid, consisting of grants, loans, and work-study opportunities to students attending postsecondary institutions nationwide. While these resources help students afford and complete postsecondary education, their utility only goes as far as the public's awareness of and access to them. The Department recognizes that other stakeholders—including cities and States, non-profit and community-based organizations, and developers and entrepreneurs—all have a role to play in increasing access to and awareness of the resources and information available from Federal sources to help students and families access, afford, and complete college.

In August 2013, President Obama announced an ambitious agenda that aims to increase college value and affordability for American families. His plan includes measuring college performance through a new ratings system so students and families have the information to select schools that provide the best value; removing barriers that stand in the way of competition and innovation, particularly in the use of new technology, and shining a light on the most cutting-edge college practices for providing high value at low costs; and helping student borrowers struggling with their existing debt by ensuring that all borrowers who need it have access to the Pay As You Earn plan, capping loan payments at 10 percent of income. To promote innovation and competition in the higher education marketplace, the President's plan calls for publishing better information on how colleges are performing, helping demonstrate that new approaches can improve learning and reduce costs, and offering colleges regulatory flexibility to innovate. In issuing this agenda, the President is challenging colleges and other higher education leaders to develop and adopt more innovative and promising practices that have the potential to dramatically improve affordability and quality.

As part of that agenda, the Administration held an ''Education Datapalooza'' in January 2014 to encourage entrepreneurs, technology leaders, college researchers and practitioners, students, and others to develop new tools, services, and applications (apps) to help students evaluate and select colleges, navigate how they could finance a higher education, and improve teaching and learning. During the Datapalooza, the Administration announced that it would explore the use of Application Program Interfaces (APIs) as a way to help students, families, and other stakeholders access key education

processes, programs, and data as they make decisions about and investments in higher education. The Department will use the feedback it receives from this Request For Information (RFI) to explore ways in which it could integrate APIs into existing resources in collaboration with external parties and providers.

Introduction

Through this RFI, the Department invites institutions and systems of higher education; students and parents; software developers, designers, and entrepreneurs; college counselors and guidance counselors; consumer advocates; the financial aid community; research and data experts; think tanks; privacy advocates; government agencies and officials who provide citizen-facing services; stakeholders and experts in higher education and/or technology; and any other interested party to provide ideas and feedback on the potential development of APIs using higher education data, programs, and frequently used forms (particularly in student aid) at the Department. Consistent with the Administration's approach of shared responsibility to promote better access, affordability, quality, and completion in higher education across the country, the Department seeks ideas and feedback from all sectors on how to best use freely available government data and processes to build products, services, and apps that advance postsecondary education, provide critical information to students, and help colleges innovate in creative and powerful ways. Individuals or organizations with expertise in developing and implementing APIs and/or facilitating college access and aid are strongly encouraged to respond.

An API is a set of software instructions and standards that allows machine-to-machine communication. Web APIs support sharing content and data between communities and applications and can take many forms, including enabling third parties to query a data set at a granular level or submit new data on behalf of a user. APIs allow developers from inside and outside government to build apps, widgets, Web sites, and other tools based on government information and services to let consumers access government-owned data and participate in government-run processes from more places on the Web, even beyond Federal domains. Well-designed APIs support interoperability and openness to make data and processes freely available for use within agencies, between agencies, in the private sector, or by citizens. However, government has to ensure the security and privacy of the data it maintains, especially when the information of students and families is involved. Openness can lead to risks to privacy and security that must be fully considered and addressed.

APIs can be read-only, which allows a consumer to read material on a third-party app or Web site, or read-write, which allows a consumer to interact with and submit information, such as completing an online form. Read-only APIs have already been successfully integrated into some Department resources, including data from the Integrated Postsecondary Education Data System (IPEDS), available at *www.ed.gov/developer.* An example of a read-write API is the functionality that allows individuals to complete tax returns on third-party Web sites and then submit that information to the Internal Revenue Service (IRS).

This RFI seeks to explore potential ways in which the Department can expand on its successful efforts to increase and enhance access to information on higher education already published on the Department's Web site, including through IPEDS, EDFacts, and other National Center for Education Statistics surveys related to higher education; data held by the Department's Office of Federal Student Aid (FSA); and data available elsewhere in the Department that focuses on higher education. The Department also seeks feedback on options for read-only and read-write APIs that could increase access to and use of benefits, forms, and processes offered for programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA), including in the submission of the Free Application for Federal Student Aid (FAFSA); enrollment in Income-Driven Repayment (IDR) programs; enrollment in the Public Service Loan Forgiveness program; participation in processes offered by title IV aid servicers in repaying Federal student loans; and use of loan counseling and financial literacy and awareness tools.

APIs could enable the development of new tools to provide consumers with better and more complete information about college affordability and performance, as well as other resources to enable informed decision making, including by expanding enrollment in student aid programs and increasing accuracy and completion in accessing these programs. Accordingly, the Department is soliciting feedback and ideas on potentially using APIs (either read-only or read-write) in the broadest context of higher education data and processes, including those discussed previously and others not explicitly listed in this notice. Suggestions about additional data that the Department could collect, or about other innovative or technology-based solutions that could better expand access to information and student aid programs in higher education, would fall outside the scope of this RFI. Nonetheless, the Department is open to all ideas.

Through this RFI, the Department is also particularly interested in specific ways in which APIs can be used effectively while continuing to safeguard student privacy and data and maintain the integrity of the taxpayer investment in Title IV student aid through prevention of fraud, misrepresentation, and abuse. Before releasing many types of records about individuals, the Department generally must obtain the individual's prior written consent under the Privacy Act of 1974, as amended (Privacy Act), which requires the individual to specify to whom the record(s) may be disclosed, which record(s) may be disclosed, and, where applicable, during which time frame the record(s) may be disclosed. In addition, to implement the principles of the Open Government Directive, the Office of Management and Budget (OMB) Memorandum 10–23 requires the Department to take a number of steps to engage with the public directly and through third-party applications. To both protect privacy and encourage the open exchange of information, we are interested in suggestions on how APIs can be developed and implemented to ensure both that students maintain free access to Federal Student Aid programs, and that there is strict adherence to Federal security guidelines and privacy laws, regulations, and guidance documents.

Information gathered through this RFI will inform possible development of APIs for higher education data and student aid processes at the Department. Following the deadline for comments on this RFI, the Department will take all ideas received into consideration as it explores the possibility of greater use of APIs in higher education. At this time, the Department is not formally committing to any expansion of the use of APIs in higher education data or student aid processes, nor is the Department obligating or intending to obligate any appropriated funds for the development of any API. Further, by issuing this RFI, the Department is not committing to any current or future acquisition of any API or any other related information submitted in response to this RFI. Responses to this RFI will not be considered by the Department as offers and therefore

cannot be accepted by the Department to form a binding contract. Although this RFI is a significant opportunity to contribute to the development of the Department's college value and affordability agenda, the Department will continue to seek input in other forums on innovation in higher education—focused on APIs and other approaches—in the spirit of advancing access and promoting success in higher education.

Context for Responses

The primary goal of this RFI is to gather information that will help the Department explore the possible use of APIs in expanding access to higher education data and student aid programs and processes consistent with applicable security and privacy requirements. The Department has developed several questions to guide input, but reiterates that these questions are only guides. This is not a solicitation for API proposals. Submissions do not have to respond to the specific questions, nor are submissions expected to respond to all questions. Comments may be provided in any format. Information may also be provided that is not responsive to a particular question but may still be helpful. However, the Department encourages commenters to be as specific as possible in their responses so as to best inform our ongoing work in this area.

Questions

A. Information Gaps and Needs in Accessing Current Data and Aid Programs

1. How could data sets that are already publicly available be made more accessible using APIs? Are there specific data sets that are already available that would be most likely to inform consumer choice about college affordability and performance?

2. How could APIs help people with successfully and accurately completing forms associated with any of the following processes: FAFSA; Master Promissory Note; Loan Consolidation; entrance and exit counseling; Income-Driven Repayment (IDR) programs, such as Pay As You Earn; and the Public Student Loan Forgiveness program?

3. What gaps are there with loan counseling and financial literacy and awareness that could be addressed through the use of APIs to provide access to government resources and content?

4. What services that are currently provided by title IV student loan servicers could be enhanced through APIs (e.g., deferment, forbearance, forgiveness, cancellation, discharge, payments)?

5. What current forms or programs that already reach prospective students or borrowers in distress could be expanded to include broader affordability or financial literacy information?

B. Potential Needs To Be Filled by APIs

1. If APIs were available, what types of individuals, organizations, and companies would build tools to help increase access to programs to make college more affordable?

2. What applications and features might developers, schools, organizations, and companies take interest in building using APIs in higher education data and services?

3. What specific ways could APIs be used in financial aid processes (e.g., translation of financial aid forms into other languages, integration of data collection into school or State forms)?

4. How can third-party organizations use APIs to better target services and information to low-income students, first-generation students, non-English speakers, and students with disabilities?

5. Would APIs for higher education data, processes, programs or services be useful in enhancing wraparound support service models? What other types of services could be integrated with higher education APIs?

C. Existing Federal and Non-Federal Tools Utilizing APIs

1. What private-sector or non-Federal entities currently offer assistance with higher education data and student aid programs and processes by using APIs? How could these be enhanced by the Department's enabling of additional APIs?

2. What private-sector or non-Federal entities currently work with government programs and services to help people fill out government forms? Has that outreach served the public and advanced public interests?

3. What instances or examples are there of companies charging fees to assist consumers in completing otherwise freely available government forms from other agencies? What are the advantages and risks to consider when deciding to allow third parties to charge fees to provide assistance with otherwise freely available forms and processes? How can any risks be mitigated?

4. Beyond the IRS e-filing example, what other similar examples exist where Federal, State, or local government entities have used APIs to share government data or facilitate participation in government services or processes—particularly at a scale as large as that of the Federal Student Aid programs?

D. Technical Specifications

1. What elements would a read-write API need to include for successful use at the Department?

2. What data, methods, and other features must an API contain in order to develop apps accessing Department data or enhancing Department processes, programs, or services?

3. How would read-only and/or read-write APIs interact with or modify the performance of the Department's existing systems (e.g., FAFSA on the Web)? Could these APIs negatively or positively affect the current operating capability of such systems? Would these APIs allow for the flexibility to evolve seamlessly with the Department's technological developments?

4. What vulnerabilities might read-write APIs introduce for the security of the underlying databases the Department currently uses?

5. What are the potential adverse effects on successful operation of the Department's underlying databases that read-write APIs might cause? How could APIs be developed to avoid these adverse effects?

6. How should APIs address application-to-API security?

7. How should the APIs address API-to-backend security issues? Examples include but are not limited to authentication, authorization, policy enforcement, traffic management, logging and auditing, TLS (Transport Layer Security), DDoS (distributed denial-of-service) prevention, rate limiting, quotas, payload protection, Virtual Private Networks, firewalls, and analytics.

8. How do private or non-governmental organizations optimize the presentation layer for completion and accuracy of forms?

9. What security parameters are essential in ensuring there is no misuse, data mining, fraud, or misrepresentation propagated through use of read-only or read-write APIs?

10. With advantages already built into the Department's own products and services (e.g., IRS data retrieval using FAFSA on the Web), how would new, third-party API-driven products present advantages over existing Department resources?

11. What would an app, service or tool built with read-write API access to student aid forms look like?

E. Privacy Issues

1. How could the Department use APIs that involve the use of student

records while ensuring compliance with potentially applicable statutory and regulatory requirements, such as the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 CFR Part 99) and the Privacy Act (5 U.S.C. 552a and 34 CFR Part 5b)?

2. How could APIs ensure that the appropriate individual has provided proper consent to permit the release of privacy-protected data to a third party? How can student data be properly safeguarded to prevent its release and use by third parties without the written consent often required?

3. How might read-only or read-write APIs collect, document, and track individuals' consent to have their information shared with specific third parties?

4. How can personally identifiable information (PII) and other financial information (of students and parents) be safeguarded through the use of APIs?

5. What specific terms of service should be enabled using API keys, which would limit use of APIs to approved users, to ensure that information is not transmitted to or accessed by unauthorized parties?

6. What are the relative privacy-related advantages and disadvantages of using read-only versus read-write APIs for student aid data?

F. Compliance Issues

1. What are the relative compliance-related advantages and disadvantages of using read-only versus read-write APIs for student aid data?

2. How can the Department prevent unauthorized use and the development of unauthorized products from occurring through the potential development of APIs? How might the Department enforce terms of service for API key holders, and prevent abuse and fraud by non-API key holders, if APIs were to be developed and made available?

3. What kind of burden on the Department is associated with enforcing terms and conditions related to APIs?

4. How can the Department best ensure that API key holders follow all statutory and regulatory provisions of accessing federal student aid funds and data through use of third-party products?

5. How could prior consent from the student whom the data is about be provided for release of privacy-protected data to third party entities?

6. How should a legal relationship between the Department and an API developer or any other interested party be structured?

7. How would a legal relationship between the Department and an API developer or any other interested party affect the Department's current agreements with third-party vendors that operate and maintain the Department's existing systems?

8. What disclosures should be made available to students about what services are freely available in government domains versus those that could be offered at a cost by a third party?

9. If the Department were to use a third-party application to engage with the public on its behalf, how could the Department ensure that the Department follows the protocols of OMB Memorandum 10–23?

G. Policy Issues

1. What benefits to consumers or the Department would be realized by opening what is currently a free and single-point service (e.g., the FAFSA) to other entities, including those who may charge fees for freely-available services and processes? What are the potential unintended consequences?

2. How could the Department ensure that access to title IV, HEA student aid programs truly remains free, even amidst the potential development of third-party apps that may charge a fee for assistance in participating in free government programs, products, and services with or without providing legitimate value-added services?

3. What other policy concerns should the Department consider with regard to the potential development of APIs for higher education data and student aid processes at the Department?

4. How would APIs best interact with other systems already in use in student aid processes (e.g., within States)?

5. How would Department APIs benefit or burden institutions participating in title IV, HEA programs?

6. While the Department continues to enhance and refine its own processes and products (e.g., through improvements to FAFSA or the IDR application process), how would third-party efforts using APIs complement or present challenges to these processes?

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 the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 20 U.S.C. 3402(4).

Dated: April 11, 2014.

Jamienne S. Studley,

Acting Under Secretary.

[FR Doc. 2014–08649 Filed 4–15–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

President's Council of Advisors on Science and Technology

AGENCY: Department of Energy, Office of Science.

ACTION: Notice of Open Teleconference.

SUMMARY: This notice sets forth the schedule and summary agenda for a conference call of the President's Council of Advisors on Science and Technology (PCAST), and describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The purpose of this conference call is to discuss PCAST's big data and privacy report.

DATES: The public conference call will be held on Wednesday, April 30, 2014, from 11:00 a.m. to 11:30 a.m., Eastern Time (ET). To receive the call-in information, attendees should register for the conference call on the PCAST Web site, *http://www.whitehouse.gov/ostp/pcast* no later than 12:00 p.m. ET on Monday, April 28, 2014.

FOR FURTHER INFORMATION CONTACT: Information regarding the call agenda, time, and how to register for the call is available on the PCAST Web site at: *http://whitehouse.gov/ostp/pcast.* Questions about the conference call should be directed to Dr. Ashley Predith, PCAST Assistant Executive Director, at *apredith@ostp.eop.gov*, (202) 456–4444.

SUPPLEMENTARY INFORMATION: The President's Council of Advisors on Science and Technology (PCAST) is an advisory group of the nation's leading scientists and engineers, appointed by

the President to augment the science and technology advice available to him from inside the White House and from cabinet departments and other Federal agencies. See the Executive Order at *http://www.whitehouse.gov/ostp/pcast.* PCAST is consulted about and provides analyses and recommendations concerning a wide range of issues where understandings from the domains of science, technology, and innovation may bear on the policy choices before the President. PCAST is co-chaired by Dr. John P. Holdren, Assistant to the President for Science and Technology, and Director, Office of Science and Technology Policy, Executive Office of the President, The White House; and Dr. Eric S. Lander, President, Broad Institute of the Massachusetts Institute of Technology and Harvard.

Type of Meeting: Open.

Proposed Schedule and Agenda: The President's Council of Advisors on Science and Technology (PCAST) is scheduled to hold a conference call in open session on April 30, 2014 from 11:00 a.m. to 11:30 a.m.

During the conference call, PCAST will discuss its big data and privacy report. Additional information and the agenda, including any changes that arise, will be posted at the PCAST Web site at: *http://whitehouse.gov/ostp/pcast.*

Public Comments: It is the policy of the PCAST to accept written public comments of any length and to accommodate oral public comments whenever possible. The PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment period for this meeting will take place on April 30, 2014 at a time specified in the meeting agenda posted on the PCAST Web site at *http://whitehouse.gov/ostp/pcast.* This public comment period is designed only for substantive commentary on PCAST's work, not for business marketing purposes.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak at *http://www.whitehouse.gov/ostp/pcast,* no later than 12:00 p.m. ET on Wednesday, April 23, 2013. Phone or email reservations to be considered for the public speaker list will not be accepted. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 10 minutes. If more speakers register than there is space available on the agenda, PCAST will randomly select speakers from among those who applied. Those not selected to present oral comments may always file written comments with the committee as described below.

Written Comments: Although written comments are accepted until the date of the meeting, written comments should be submitted to PCAST no later than 12:00 p.m. ET on Monday, April 28, 2014, so that the comments may be made available to the PCAST members prior to the meeting for their consideration. Information regarding how to submit comments and documents to PCAST is available at *http://whitehouse.gov/ostp/pcast* in the section entitled ''Connect with PCAST.''

Please note that because PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST Web site.

Meeting Accommodations: Individuals requiring special accommodation to access this public meeting should contact Dr. Predith at least ten business days prior to the meeting so that appropriate arrangements can be made.

Issued in Washington, DC on April 10, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–08632 Filed 4–15–14; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

AGENCY: Federal Communications Commission (FCC).

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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 estimates; 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 PRA comments should be submitted on or before May 16, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167, or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Leslie Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), via the Internet at *Leslie.Smith@fcc.gov.* To submit your PRA comments by email, please send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Leslie Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), at 202–418–0217, or via the Internet at: *Leslie.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0589.

Title: FCC Remittance Advice Forms, FCC Form 159/159–C, 159–B, 159–E, and 159–W.

Form Number(s): FCC Form 159 Remittance Advice, 159–C Remittance Advice Continuation Sheet, 159–B Remittance Advice Bill for Collection, 159–E Remittance Voucher, and 159–W Interstate Telephone Service Provider Worksheet.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit entities; Not-for-profit institutions; Federal government; and State, local, or tribal governments.

Number of Respondents and Responses: 100,220 respondents; 100,220 responses.

Estimated Time per Response: 15 minutes (0.25 hours).

Frequency of Response: On occasion and annual reporting requirements; third party disclosure.

Obligation to Respond: Required to obtain or retain benefits. Statutory Authority for this information collection is contained in the Communications Act of 1934, as amended; Section 8 (47 U.S.C. 158) for Application Fees; Section 9 (47 U.S.C. 159) for Regulatory Fees; Section 309(j) for Auction Fees; and the Debt Collection Improvement Act of 1996, Public Law 104–134, Chapter 10, Section 31001.

Total Annual Burden: 25,055 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: There is no need for confidentiality, except for personally identifiable information (PII) that individuals may submit on one or more of these forms. FCC Form 159 series instructions include a Privacy Act Statement. Furthermore, while the Commission is not requesting that the respondents submit confidential information to the FCC, respondents may request confidential treatment for information they believe to be confidential under 47 CFR Section 0.459 of the Commission's rules. The Commission has a system of records notice (SORN), FCC/OMD–9, ''Commission Registration System (CORES),'' to cover any PII that individuals may submit. The SORN is posted on the FCC Privacy Web page at: *http://transition.fcc.gov/omd/privacyact/records-systems.html.*

Privacy Impact Assessment (PIA): A PIA has been done and is posted on the FCC Privacy Web page at: *http://transition.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.*

Needs and Uses: The FCC supports a series of remittance advice forms and a remittance voucher form that may be submitted in lieu of a remittance advice form when entities or individuals electronically submit a payment. A remittance advice form (or a remittance voucher form in lieu of an advice form) must accompany any payment to the Federal Communications Commission (e.g. payments for regulatory fees, application filing fees, auctions, fines, forfeitures, Freedom of Information Act (FOIA) billings, or any other debt due to the FCC. Information is collected on these forms to ensure credit for full payment, to ensure entities and individuals receive any refunds due, to service public inquiries, and to comply with the Debt Collection Improvement Act of 1996.

On August 12, 2013 the Commission released a *Report and Order (R&O),* In the Matter Assessment and Collection of Regulatory Fee for Fiscal Year 2013 and Procedures for Assessment and Collection of Regulatory Fees, MD Docket Nos. 13–140 and 12–201, FCC 13–110. In this *R&O,* the Commission requires that beginning in FY 2014, all regulatory fee payments be made electronically and that the Commission will no longer mail out initial regulatory fee assessments to CMRS providers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–08571 Filed 4–15–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). 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 burden for 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 Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 16, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Benish Shah, Federal Communications Commission, via the Internet at *Benish.Shah@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Benish Shah, Office of Managing Director, (202) 418–7866.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0532.

Title: Section 2.1033 and 15.121, Scanning Receiver Compliance Exhibits.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 25 respondents; 25 responses.

Estimated Time Per Response: 1 hour.

Frequency of Response: One-time reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 25 hours.

Annual Cost Burden: $1,250.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission's rules require that certain portions of scanning receiver applications for certification will remain confidential after the effective date of the grant of the application. No other assurances of confidentiality are provided to respondents.

Needs and Uses: This collection will be submitted as an extension (no change in reporting and/or third party disclosure requirements) after this 60 day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance.

The FCC rules under 47 CFR 2.1033 and 15.121 require manufacturers of scanning receivers to design their equipment so that it has 38 dB of image rejection for Cellular Service frequencies, tuning, control and filtering circuitry are inaccessible and any attempt to modify the scanning receiver to receive Cellular Service transmissions will likely render the scanning receiver inoperable. The Commission's rules also require manufacturers to submit information with any application for certification that describes the testing method used to determine compliance with the 38 dB image rejection ratio, the design features that prevent modification of the scanning receiver to receive Cellular Service transmissions, and the design steps taken to make tuning, control, and filtering circuitry inaccessible. Furthermore, the FCC

requires equipment to carry a statement assessing the vulnerability of the scanning receiver to modification and to have a label affixed to the scanning receiver, similar to the following as described in section 15.121:

Warning: Modification of this device to receive cellular radiotelephone service signals is prohibited under FCC Rules and Federal Law.

The Commission uses the information required in this equipment authorization process to determine whether the equipment that is being marketed complies with the Congressional mandate in the Telephone Disclosure and Dispute Resolution Act of 1992 (TDDRA) and applicable Commission rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–08569 Filed 4–15–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal 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 PRA comments should be submitted on or before June 16, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov mailto:PRA@fcc.gov* and to *Cathy.Williams@fcc.gov mailto:Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1158.

Title: Disclosure of Network Management Practices, Preserving the Open Internet and Broadband Industry Practices, Report and Order, GN Docket No. 09–191 and WC Docket No. 07–52.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for profit entities; State, local or tribal governments.

Number of Respondents and Responses: 1,712 respondents; 1,712 responses.

Estimated Time per Response: 24.4 hours (average).

Frequency of Response: On occasion reporting requirements; Third party disclosure requirement.

Obligation to Respond: Mandatory. The statutory authority for the information collection requirements are contained in section contained in 47 U.S.C. 151, 152, 153, 154, 201, 218, 230, 251, 254, 256, 257, 301, 303, 304, 307, 309, 316, 332, 403, 503, 522, 536, 548, 1302. Interpret or apply S. Rep. No. 104–23, at 51 (1995).

Total Annual Burden: 41,773 hours.

Total Annual Cost: $560,000.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

Privacy Impact Assessment: No impacts(s).

Needs and Uses: The rules adopted in the Open Internet and Broadband Industry Practices, Report and Order, GN Docket No. 09–191, WC Docket No. 07–52, FCC 10–201, require all providers of broadband Internet access service to publicly disclose accurate information regarding the network management practices, performance, and commercial terms of their broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings. The rules ensure transparency and continued Internet openness, while making clear that broadband providers can manage their networks effectively. The Commission anticipates that small entities may have less of a burden, and larger entities may have more of a burden than the average compliance burden.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–08573 Filed 4–15–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before June 16, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* <*mailto:PRA@fcc.gov*> and to *Cathy.Williams@fcc.gov* <*mailto:Cathy.Williams@fcc.gov*>.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1086.

Title: Section 74.787, Digital Licensing; Section 74.790, Permissible Service of Digital TV Translator and LPTV Stations; Section 74.794, Digital Emissions, Section 74.796, Modification of Digital Transmission Systems and Analog Transmission Systems for Digital Operation; Section 74.798, LPTV Digital Transition Consumer Education Information; Protection of Analog LPTV.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 8,345 respondents; 27,286 responses.

Estimated Time per Response: 0.50–4 hours.

Frequency of Response: One-time reporting requirement, Recordkeeping requirement and Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 301 of the Communications Act of 1934, as amended.

Total Annual Burden: 56,286 hours.

Total Annual Cost: $68,978,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On July 15, 2011, the Commission adopted the Second Report and Order, In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, MB Docket No. 03–185, FCC 11–110 (''LPTV Digital Second Report and Order''). This document contains rules and policies for low power television stations (''LPTV'') to transition from analog to digital broadcasting. Due to the Commission adopting these rules and policies to effectuate the low power digital transition, the LPTV Digital Second Report and Order imposed Paperwork Reduction Act (PRA) burdens on licensees.

Due to the Commission initiating these new services, the Commission adopted a number of rules and regulations entailing PRA burdens on licensees and manufacturers. These rules have already been approved by the Office of Management and Budget (OMB) and are as follows:

47 CFR 74.787(a)(2)(iii) provides that mutually exclusive LPTV and TV translator applicants for companion digital stations will be afforded an opportunity to submit in writing to the Commission, settlements and engineering solutions to resolve their situation.

47 CFR 74.787(a)(3) provides that mutually exclusive applicants applying for construction permits for new digital stations and for major changes to existing stations in the LPTV service will similarly be allowed to submit in writing to the Commission, settlements and engineering solutions to rectify the problem.

47 CFR 74.787(a)(4) provides that mutually exclusive displacement relief applicants filing applications for digital LPTV and TV translator stations may be resolved by submitting settlements and engineering solutions in writing to the Commission.

47 CFR 74.787(a)(5)(i) states that an application for replacement digital television translator may be filed by a full-service television station that can demonstrate that a portion of its analog service area will not be served by its full, post-transition digital facilities. The service area of the replacement translator shall be limited to only a demonstrated loss area.

47 CFR 74.787(a)(5)(i) states that an applicant for a replacement digital television translator may propose a de minimis expansion of its full-service pre-transition analog service area upon demonstrating that it is necessary to replace its post-transition analog loss area.

47 CFR 74.790(f) permits digital TV translator stations to originate emergency warnings over the air deemed necessary to protect and safeguard life and property, and to originate local public service announcements (PSAs) or messages seeking or acknowledging financial support necessary for its continued operation. These announcements or messages shall not exceed 30 seconds each, and be broadcast no more than once per hour.

47 CFR 74.790(e) requires that a digital TV translator station shall not retransmit the programs and signal of any TV broadcast or DTV broadcast station(s) without prior written consent of such station(s). A digital TV translator operator electing to multiplex signals must negotiate arrangements and obtain written consent of involved DTV station licensee(s).

47 CFR 74.790(g) requires a digital LPTV station who transmits the programming of a TV broadcast or DTV broadcast station received prior written consent of the station whose signal is being transmitted.

47 CFR 74.794 mandates that digital LPTV and TV translator stations operating on TV channels 22–24, 32–36 and 38 with a digital transmitter not specifically FCC-certificated for the channel purchase and utilize a low pass filter or equivalent device rated by its manufacturer to have an attenuation of at least 85 dB in the GPS band. The licensees must retain with their station license a description of the low pass filter or equivalent device with the manufacturer's rating or a report of measurements by a qualified individual.

47 CFR 74.796(b)(5) requires digital LPTV or TV translator station licensees that modify their existing transmitter by use of a manufacturer-provided modification kit would need to purchase the kit and must notify the Commission upon completion of the transmitter modifications. In addition, a digital LPTV or TV translator station licensees that modify their existing transmitter and do not use a manufacturer-provided modification kit, but instead perform custom modification (those not related to installation of manufacturer-supplied and FCC-certified equipment) must notify the Commission upon completion of the transmitter modifications and shall certify compliance with all applicable transmission system requirements.

47 CFR 74.796(b)(6) provides that operators who modify their existing transmitter by use of a manufacturer-provided modification kit must maintain with the station's records for a

period of not less than two years, and will make available to the Commission upon request, a description of the nature of the modifications, installation and test instructions, and other material provided by the manufacturer, the results of performance-tests and measurements on the modified transmitter, and copies of related correspondence with the Commission. In addition, digital LPTV and TV translator operators who custom modify their transmitter must maintain with the station's records for a period of not less than two years, and will make available to the Commission upon request, a description of the modifications performed and performance tests, the results of performance-tests and measurements on the modified transmitter, and copies of related correspondence with the Commission.

Protection of Analog LPTV. In situations where protection of an existing analog LPTV or translator station without a frequency offset prevents acceptance of a proposed new or modified LPTV, TV translator, or Class A station, the Commission requires that the existing non-offset station install at its expense offset equipment and notify the Commission that it has done so, or, alternatively, negotiate an interference agreement with the new station and notify the Commission of that agreement.

47 CFR 74.798 requires all stations in the low power television services to provide notice of their upcoming digital transition to their viewers.

Revised Information Collection Requirements: The Commission removed the information collection requirements that were contained in 47 CFR Sections 74.786(d) and (e), and the requirements related to resolving channel conflict from this collection. The requirements were ''sunsetted'' when operation on channels 52 to 69 went away on December 31, 2011. Therefore, since stations cannot operate on these channels, they cannot file for these channels. This means that the requirements in the rule sections mentioned above are no longer applicable or used by respondents (stations).

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–08572 Filed 4–15–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2014–N–03]

Privacy Act of 1974; System of Records

AGENCY: Federal Housing Finance Agency.

ACTION: Notice of revision to an existing system of records; Request for comments.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a (Privacy Act), the Federal Housing Finance Agency (FHFA) gives notice of and requests comments on revisions to an existing system of records. The proposed revisions are to the system of records entitled ''National Mortgage Database Project'' (FHFA–21). The system of records covers the National Mortgage Database and the National Survey of Mortgage Borrowers.

DATES: To be assured of consideration, comments must be received on or before May 16, 2014. The revisions to the existing system will become effective on May 27, 2014 unless comments necessitate otherwise. FHFA will publish a new notice if, in order to review comments, the effective date is delayed or if changes are made based on comments received.

ADDRESSES: Submit comments, identified by ''2014–N–03,'' using only one of the following methods:

- *Email:* Comments to Alfred M. Pollard, General Counsel, may be sent by email to *RegComments@fhfa.gov.* Please include ''2014–N–03'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the Federal eRulemaking Portal, please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by FHFA. Please include ''2014–N–03'' in the subject line of the message.
- *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/2014–N–03, Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024. *Please note that all mail sent to FHFA via the U.S. Postal Service is routed through a national irradiation facility, a process that may delay delivery by approximately two weeks. For any time-sensitive correspondence, please plan accordingly.*
- *Hand Delivered/Courier:* The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/2014–N–03, Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024. To ensure timely receipt of hand delivered package, please ensure that the package is delivered to the Seventh Street entrance Guard Desk, First Floor, on business days between 9 a.m. to 5 p.m.

See **SUPPLEMENTARY INFORMATION** for additional information on submission and posting of comments.

FOR FURTHER INFORMATION CONTACT: Forrest Pafenberg, Program Manager, National Mortgage Database Project, *Forrest.Pafenberg@fhfa.gov* or (202) 649–3129; Stacy Easter, Privacy Act Officer, *privacy@fhfa.gov* or (202) 649–3803; or David A. Lee, Senior Agency Official for Privacy, *privacy@fhfa.gov* or (202) 649–3803 (not toll-free numbers), Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024. The telephone number for the Telecommunications Device for the Deaf is 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Comments

FHFA seeks public comments on the revised system of records, and will take all comments into consideration. *See* 5 U.S.C. 552a(e)(4) and (11). In addition to referencing ''Comments/2014–N–03,'' please reference ''National Mortgage Database Project'' (FHFA–21).

All comments received will be posted without change on the FHFA Web site at *http://www.fhfa.gov,* and will include any personal information provided, such as name, address (mailing and email), and telephone numbers. In addition, copies of all comments received will be available without change for public inspection on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 649–3804.

II. Introduction

This notice satisfies the Privacy Act requirement that an agency publish a system of records notice in the **Federal Register** when there is an addition or change to the agency's systems of records. Congress has recognized that application of all requirements of the Privacy Act to certain categories of records may have an undesirable and often unacceptable effect upon agencies in the conduct of necessary public business. Consequently, Congress

established general exemptions and specific exemptions that could be used to exempt records from provisions of the Privacy Act. Congress also required that exempting records from provisions of the Privacy Act would require the head of an agency to publish a determination to exempt a record from the Privacy Act as a rule in accordance with the Administrative Procedure Act. The Director of FHFA has determined that records and information in this system of records are not exempt from the requirements of the Privacy Act.

As required by the Privacy Act, 5 U.S.C. 552a(r), and 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 (61 FR 6427, 6435 February 20, 1996), FHFA has submitted a report describing the system of records covered by this notice to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget.

III. Revised System of Records

The revised system of records, ''National Mortgage Database Project'' (FHFA–21), will contain records related to loan-level information on first lien single-family mortgages in existence at any point in time from January 1998 to the present (and continuing on into the future). It is designed to be a nationally representative random sample (1-in-20) rather than a universal registry. The National Mortgage Database Project will be built from representative credit repository data and data from other administrative data sources, including the National Survey of Mortgage Borrowers.

The revised system of records notice is set out in its entirety and described in detail below. The revisions expand the category of records that will be collected, maintained, and stored in the system as well as make minor clarifications and editorial changes.

FHFA–21

SYSTEM NAME:

National Mortgage Database Project.

SECURITY CLASSIFICATION:

Sensitive but unclassified.

SYSTEM LOCATION:

Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024, and Experian Information Solutions Inc., 475 Anton Blvd., Costa Mesa, CA 92626.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have records in one or more credit bureaus or consumer reporting agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include loan-level data in five dimensions: Mortgage record, real estate transaction, household demographic data on the borrower, physical characteristics of the house and neighborhood, and performance data on the mortgage and all credit lines (*i.e.* credit cards, student loans, auto loans, and other loans reported to credit bureaus) of the mortgage borrower and all those associated with the mortgage. Records in the system may include without limitation: (1) Borrower/co-borrower information (name, address, zip code, telephone numbers, date of birth, race/ethnicity, gender, language, religion, social security number, education records, military status/records, employment status/records); (2) Financial Information (account number, financial events in the last few years, life events in the last few years, other assets/wealth); (3) Mortgage Information (current balance, current monthly payment, delinquency grid, monthly payment, refinanced amount, bankruptcy information); (4) Credit card/other loan information (account type, credit amount, account balance amount, account past due amount, account minimum payment amount, account actual payment amount, account high balance amount, account charge off amount, second mortgage); (5) Household composition (single male, single female, etc., presence of children by various age categories, number of wage earners in household, household income, credit score(s) of borrower/co-borrower at origination (Vantage Score), deceased indicator, marital status); (6) Property Attributes (property type, number of bedrooms and bathrooms, square footage, lot size, year built/age of structure, units in structure, most recent assessed value (per tax roll), year of most recent assessed value, effective age of structure, assessor's parcel number, neighborhood name, and project name); (7) Real Estate Transaction Attributes (sales price, down payment, occupancy status (own, rent), new versus existing home, county, census tract/block, latitude/longitude and date purchased); (8) Mortgage Characteristics Attributes (mortgage product and purpose, origination date, acquisition date, amount of mortgage, refinanced amount, amount of down payment, term of mortgage, interest rate of mortgage, source of mortgage/mortgage channel, mortgage insurance type, loan to value at origination, origination amount/credit limit, originator, current servicer, debt to income ratio at origination, number of borrowers, number of units in mortgage, presence of prepayment penalty, origination points paid by borrower, discount points paid by borrower, balloon payment date/amount, percent of down payment, secondary market indicator); and (9) information collected from consumers as part of surveys, randomized controlled trials, or through other mechanisms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 4511, 4513, 4543, and section 1324 of the Federal Housing Enterprises Financial Safety and Soundness Act as amended by section 1125 of the Housing and Economic Recovery Act of 2008 (HERA) (12 U.S.C. 4544 and 4544(c)).

PURPOSE(S):

The records in this system of records are collected and maintained in order to facilitate mandatory reporting under HERA as well as to conduct research, performance modeling, and examination monitoring. In most cases, records will not contain personal identifiers. Records with personal identifiers will be used solely for purposes of matching the records with other datasets, which will better enable FHFA to perform the statutory functions identified above. After the matching is complete, a de-identified copy of the matched dataset will be used for conducting research and analysis. FHFA will use the personal identifiers after the matching only for the purpose of performing similar matches on future data acquisitions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside FHFA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) When (a) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (b) FHFA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by FHFA or another agency or entity) that rely upon the compromised information; and (c) the

disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in connection with FHFA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(2) Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local, tribal, foreign or a financial regulatory organization, including the Financial Crimes Enforcement Network and other law enforcement and government entities, as determined by FHFA to be appropriate and that are charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute, or rule, regulation or order issued pursuant thereto.

(3) To any individual during the course of any inquiry or investigation conducted by FHFA, or in connection with civil litigation, if FHFA has reason to believe that the individual to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

(4) To any individual with whom FHFA contracts to reproduce, by typing, photocopy or other means, any record within this system for use by FHFA and its employees in connection with their official duties or to any individual who is utilized by FHFA to perform clerical or stenographic functions relating to the official business of FHFA.

(5) To members of advisory committees that are created by FHFA or by Congress to render advice and recommendations to FHFA or to Congress, to be used solely in connection with their official, designated functions.

(6) To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

(7) To contractor personnel, grantees, volunteers, interns, and others performing or working on a contract, service, grant, cooperative agreement, or project for FHFA.

(8) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal law proceedings, or in response to a subpoena from a court of competent jurisdiction.

(9) To the Office of Management and Budget, Department of Justice (DOJ), Department of Labor, Office of Personnel Management, Equal Employment Opportunity Commission, Office of Special Counsel, Department of Homeland Security, or other Federal agencies to obtain advice regarding statutory, regulatory, policy, and other requirements related to the purpose for which FHFA collected the records.

(10) To DOJ, (including United States Attorney Offices), or other Federal agencies conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. FHFA;
2. Any employee of FHFA in his/her official capacity;
3. Any employee of FHFA in his/her individual capacity where DOJ or FHFA has agreed to represent the employee; or
4. The United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FHFA determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which FHFA collected the records.

(11) To the National Archives and Records Administration or other Federal agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

(12) To a Federal agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

(13) To a regulated entity.

(14) With the Consumer Finance Protection Bureau in order to facilitate reporting under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203), as well as to conduct research, performance modeling, and examination monitoring.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICE FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic format, paper form, and magnetic disk or tape. Electronic records are stored in computerized databases. Paper and magnetic disk, or tape records are stored in locked file rooms, locked file cabinets, or locked safes.

RETRIEVABILITY:

Records may be retrieved by a database-specific constructed loan identifier or encrypted personal identification number.

SAFEGUARDS:

Records are safeguarded in a secured environment. Buildings where records are stored have security cameras and 24-hour security guard service. Computerized records are safeguarded through use of access codes and other information technology security measures. Paper records are safeguarded by locked file rooms, locked file cabinets, or locked safes. Access to the records is restricted to those individuals who require access to the records in the performance of official duties related to the purposes for which the system is maintained.

RETENTION AND DISPOSAL:

Records are maintained in accordance with National Archives and Records Administration and FHFA retention schedules. Records are disposed of according to accepted techniques.

SYSTEM MANAGER(S) AND ADDRESS:

Project Manager, National Mortgage Database Project, Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024.

NOTIFICATION PROCEDURES:

Direct inquiries as to whether this system contains a record pertaining to an individual to the Privacy Act Officer. Inquiries may be mailed to the Privacy Act Officer, Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024, or can be submitted electronically at *http://www.fhfa.gov/Default.aspx?Page=236* in accordance with the procedures set forth in 12 CFR part 1204.

RECORD ACCESS PROCEDURES:

Direct requests for access to the Privacy Act Officer. Requests may be mailed to the Privacy Act Officer, Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024, or can be submitted electronically at *http://www.fhfa.gov/Default.aspx?Page=236* in accordance with the procedures set forth in 12 CFR part 1204.

CONTESTING RECORD PROCEDURES:

Direct requests to contest or appeal an adverse decision for a record to the

Privacy Act Appeals Officer. Requests may be mailed to the Privacy Act Appeals Officer, Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024, or can be submitted electronically at *http://www.fhfa.gov/Default.aspx?Page=236* in accordance with the procedures set forth in 12 CFR part 1204.

RECORD SOURCE CATEGORIES:

The information is obtained from individuals who respond to the National Survey of Mortgage Borrowers, credit repository files, other FHFA systems of records, other Federal government systems of records, commercial data aggregators, or other commercial entities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: April 7, 2014.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2014–08566 Filed 4–15–14; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at 202/523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012032–010.

Title: CMA CGM/MSC/Maersk Line North and Central China-U.S. Pacific Coast Three-Loop Space Charter, Sailing and Cooperative Working Agreement.

Parties: A.P. Moller-Maersk A/S, CMA CGM S.A., and MSC Mediterranean Shipping Company SA.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The amendment extends the duration of the agreement.

Agreement No.: 012073–003.

Title: MSC/CSAV Group Vessel Sharing Agreement.

Parties: MSC Mediterranean Shipping Company SA; Compañia Sud Americana de Vapores S.A.; Companhia Libra de Navegacao; and Compania Libra de Navegacion Uruguay S.A..

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006–4007.

Synopsis: The amendment would decrease CSAV Group's space allocation and make the corresponding changes to MSC's space allocation.

Agreement No.: 012199–001.

Title: NYK/Hyundai Americas North-South Service Slot Charter Agreement.

Parties: Nippon Yusen Kaisha and Hyundai Merchant Marine Co., Ltd.

Filing Party: Robert Shababb; NYK Line (North America) Inc.; 300 Lighting Way, 5th Floor; Secaucus, NJ 07094.

Synopsis: The agreement deletes Hanjin from the agreement and updates the slot charter amounts.

Agreement No.: 012260.

Title: MSC/Maersk Line USEC–WCSA Space Charter Agreement.

Parties: MSC Mediterranean Shipping Company SA. and A.P. Moller-Maersk A/S.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The agreement authorizes MSC to charter space to Maersk Line in the trade between the U.S. East Coast, on the one hand, and ports in the Bahamas, Panama, Colombia (Pacific Coast only), Ecuador, Peru, and Chile, on the other hand.

Agreement No.: 012261.

Title: Eukor Car Carriers, Inc./Liberty Global Logistics LLC Space Charter Agreement.

Parties: Eukor Car Carriers, Inc. and Liberty Global Logistics LLC.

Filing Party: Brooke F. Shapiro; Winston & Strawn LLP; 200 Park Avenue; New York, NY 10166.

Synopsis: The agreement authorizes Eukor and Liberty Global Logistics to charter space to each other on an ad hoc basis in the trade between the U.S. East and Gulf Coasts, on the one hand, and ports along the Arabian Sea, Red Sea, Persian Gulf and Middle East, India and Pakistan, on the other hand.

Agreement No.: 012262.

Title: The G6/Hanjin Vessel Sharing Agreement.

Parties: American President Lines, Ltd. and APL Co. Pte, Ltd. (operating as one party); Hapag-Lloyd AG; Hyundai Merchant Marine Co., Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Orient Overseas Container Line, Limited (all acting as a single party); and Hanjin Shipping Co., Ltd.

Filing Party: David F. Smith, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The agreement would authorize the parties to share vessels in the trade between the U.S. West Coast and Asia.

By Order of the Federal Maritime Commission.

Dated: April 11, 2014.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2014–08655 Filed 4–15–14; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

[File No. 131 0199]

CoreLogic, Inc.; Analysis of Agreement Containing Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis of Agreement Containing Consent Order to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 23, 2014.

ADDRESSES: Interested parties may file comments at *https://ftcpublic.commentworks.com/ftc/corelogicconsent* online or on paper, by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''CoreLogic, Inc., Consent Agreement; File No. 131–0199'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/corelogicconsenthttps://ftcpublic.commentworks.com/ftc/fidelitynationalconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comments to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Cathlin Tully, Bureau of Competition, (202–326–3644), 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, having been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment

describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 24, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 23, 2014. Write ''CoreLogic, Inc., Consent Agreement; File No. 131–0199'' 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 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 have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, 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. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/corelogicconsent* by following the instructions on the web-based forms. 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 ''CoreLogic, Inc., Consent Agreement; File No. 131–0199'' 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 D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. 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 23, 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.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

Introduction

The Federal Trade Commission (''Commission'') has accepted from CoreLogic, Inc. (''CoreLogic''), subject to final approval, an Agreement Containing Consent Order (''Consent Agreement'') designed to remedy the anticompetitive effects resulting from CoreLogic's proposed acquisition of certain assets and other interests from TPG VI Ontario 1 AIV L.P. (''TPG''). Under the terms of the Decision and Order (''Order'') contained in the Consent Agreement, CoreLogic must grant Renwood RealtyTrac LLC (''RealtyTrac'') a license for national assessor and recorder bulk data that will restore to the market a third competitor that will act independently of CoreLogic.

The Consent Agreement has been placed on the public record for 30 days to solicit comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the Consent Agreement and the comments received, and will decide whether it should withdraw from the Consent Agreement, modify it, or make the Order final.

Pursuant to a Purchase and Sale Agreement dated June 30, 2013, CoreLogic proposes to acquire certain assets and other interests from TPG, including its DataQuick Information Systems, Inc. (''DataQuick'') national real property public records bulk data business, for $661 million (the ''acquisition''). The Commission's Complaint alleges that the acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by substantially lessening competition in the market for national assessor and recorder bulk data.

The Parties

CoreLogic, a publicly-traded company headquartered in Irvine, California, provides real property information, analytics, and services through a host of products tailored to the needs of customers in the lending, investment, and real estate industries. As part of its Data and Analytics segment, CoreLogic collects, maintains, and offers licenses for national assessor and recorder bulk data.

Among its various assets and interests, TPG wholly owns Decision Insight Information Group, which owns DataQuick. DataQuick provides real property information, analytics, and services to the real estate, mortgage lending, and secondary investor markets in the United States. As part of its business, DataQuick offers licenses for national assessor and recorder bulk data.

The Relevant Market

The relevant product market in which to analyze the effects of the acquisition is the market for national assessor and recorder bulk data. National assessor and recorder bulk data consist of aggregated current and historical assessor and recorder data in bulk format for the vast majority of properties across the United States. National assessor and recorder bulk data offer data for all properties in covered jurisdictions in a standardized form.

[1] 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).

Assessor and recorder data provide information regarding ownership, status, and value of properties. Assessor data consist of public record information concerning characteristics of individual real property parcels, including, but not limited to, square footage, number of bedrooms and bathrooms, sales information, history, and assessed value. Assessor data are often referred to as tax assessor or tax roll data. Recorder data consist of public record information abstracted from transactions related to real property, including, but not limited to, deeds, mortgages, liens, assignments, and foreclosures, the parties to the transaction, transfer tax, and purchase price. Assessor and recorder data and information are available from local (county or county-equivalent) government offices.

Customers integrate national assessor and recorder bulk data into proprietary programs and systems for internal analyses or to create value-added products using the data, such as risk and fraud management tools, valuation models, and consumer-oriented property Web sites. National assessor and recorder bulk data customers cannot use regional assessor and recorder bulk data to create reliable internal analyses or value-added products. Regional bulk data providers offer data for certain limited geographic areas in the United States. National bulk data customers could not combine the data offered by regional firms to meet their needs because it would not provide the required geographic scope.

The relevant geographic market in which to assess the competitive effects of the acquisition is the world. The relevant product is provided through electronic file transfer technology and can be supplied from anywhere in the world, notwithstanding the more limited geographic scope of the product itself.

The Structure of the Market

The acquisition would significantly increase concentration in an already highly concentrated market for national assessor and recorder bulk data. CoreLogic and DataQuick are two of the three firms that offer national assessor and recorder bulk data. Black Knight Financial Services, Inc. (formerly Lender Processing Services, Inc.) (''Black Knight'') is the only other competitor. DataQuick obtained historical data through a prior acquisition and since 2004 has obtained on-going national assessor and recorder bulk data primarily through a license with CoreLogic. The license allows DataQuick to re-license the data in bulk and act independently of CoreLogic. DataQuick aggressively competes head-to-head against CoreLogic and Black Knight to furnish national assessor and recorder bulk data to customers, offering lower prices and less restrictive license terms than its competitors.

Entry Conditions

Without the Consent Agreement, entry or expansion into the market for national assessor and recorder bulk data would not occur in a timely, likely, or sufficient manner to deter or negate the anticompetitive effects of the acquisition. In order to compete effectively in the market for national assessor and recorder bulk data, a firm typically must have several years of national historical data and an ability to provide go-forward national data. It would be cost-prohibitive for a potential entrant to collect the necessary historical and go-forward data.

Firms currently offering assessor and recorder bulk data on a regional basis would not expand their historical and on-going offerings in a timely manner to provide national assessor and recorder bulk data. Regional firms could not combine their offerings to provide national assessor and recorder bulk data customers with the necessary geographic scope of data they require, nor is it likely that a firm combining the offerings of all of the regional firms could expand to offer national coverage in a timely enough manner to constrain any exercise of market power.

Finally, a potential entrant without its own historical data would not be able to enter the market for national assessor and recorder bulk data by obtaining a license from CoreLogic or Black Knight. Neither CoreLogic nor Black Knight has any incentive to offer such a license to a potential entrant that will compete against them. DataQuick has been able to obtain a license because it is unlike any other potential licensee; it owns historical data and could credibly threaten to enter the market for national assessor and recorder bulk data without a license.

Effects of the Acquisition

The acquisition may substantially lessen competition in the markt for national assessor and recorder bulk data. The acquisition will eliminate actual, direct, and substantial competition between CoreLogic and DataQuick. Further, the acquisition may increase the likelihood and degree of coordination between CoreLogic and the only other remaining competitor, Black Knight, and the likelihood that CoreLogic will exercise market power unilaterally post-acquisition.

The Decision and Order

The Order resolves the competitive concerns raised by the acquisition by restoring to the market a third competitor. The Order requires CoreLogic to grant RealtyTrac a license that allows it to replicate DataQuick's data offerings and competitive position. The Order does this by requiring CoreLogic to provide RealtyTrac with the data, information, support, and access to customers it needs to enter successfully and compete in the market for national assessor and recorder bulk data. RealtyTrac has the relevant industry experience, reputation, and resources to enter the relevant market successfully under the terms of the Order. RealtyTrac operates an online marketplace of foreclosure real property listings and provides national foreclosure data and services to real estate consumers, investors, and professionals. As part of its business, RealtyTrac collects, maintains, and offers licenses for foreclosure data for properties throughout the United States.

The license required by the Order allows RealtyTrac to step into the shoes of DataQuick as CoreLogic's licensee. The Order requires that CoreLogic grant a license to RealtyTrac for national assessor and recorder bulk data of the ''same scope and quality'' as DataQuick provides its customers today. The Order requires that the license include both current and historical data and several ancillary derived data sets that DataQuick provides. The Order requires that CoreLogic offer the license to RealtyTrac for no less than 5 years, and provides that a Monitor appointed by the Commission may, if needed, extend the license for two additional one-year terms. The Commission must either approve, or waive its right to approve, any proposed modification to the license.

The license terms and post-termination rights are substantially similar to those in DataQuick's license with CoreLogic, putting RealtyTrac in the same competitive position relative to CoreLogic as DataQuick is today. The license allows RealtyTrac to offer customers not only the data, but also the services, that CoreLogic and DataQuick offer to customers. Further, the license permits RealtyTrac to re-license the data in bulk and positions RealtyTrac to remain in the relevant market following the license's termination.

The Order includes additional provisions that provide RealtyTrac with the information and support it needs to begin offering bulk data licenses to customers as seamlessly and quickly as possible following Commission

approval. The Order requires CoreLogic to provide RealtyTrac with access to information regarding customers and data management, including the information necessary to provide data to customers in the same manner as DataQuick. Moreover, the Order requires that CoreLogic provide RealtyTrac with access to technical support for 18 months to assist its management and provision of the data. Lastly, the Order helps RealtyTrac, at its option, hire and retain former DataQuick employees by requiring CoreLogic to waive certain non-compete and non-disclosure agreements during the first year and prohibiting CoreLogic from attempting to hire DataQuick employees away from RealtyTrac for two years.

The Order also requires CoreLogic to provide certain DataQuick customers with the opportunity to terminate their contracts early and switch to RealtyTrac. These early termination provisions will give RealtyTrac more customers to compete for and will ensure that all DataQuick customers will be able to take advantage of RealtyTrac's entry during the first three years RealtyTrac is in the market. CoreLogic is required to permit these customers to terminate their agreements only in order to switch to RealtyTrac. Further, CoreLogic can require the customers to provide 180-days' notice of termination, although the Order requires CoreLogic to allow a customer to revoke or postpone the effective date of its termination notice at any time. CoreLogic must provide written notice to each customer who can terminate an existing contract under the Order and is prohibited from imposing penalties on or retaliating against customers that exercise their early termination rights.

There are three groups of customers that CoreLogic must allow to terminate their license agreements with 180-days' notice in order to switch to RealtyTrac. The first are DataQuick customers who renewed a DataQuick contract or switched to CoreLogic between July 1, 2013, and the acquisition date. The second are DataQuick customers who enter into or renew their licenses during the first nine months following the acquisition. The final group of DataQuick customers includes those who, prior to the acquisition, executed licenses with DataQuick that expire on or after March 31, 2017. The Order permits these customers to switch to RealtyTrac on or after March 31, 2016.

To ensure CoreLogic's compliance with the Order, the Order provides for the appointment of a Monitor as well as a Divestiture Trustee and imposes certain compliance requirements on CoreLogic. The Order appoints Mitchell S. Pettit as Monitor to oversee CoreLogic's ongoing compliance with their obligations and responsibilities under the Order. The Order also allows the Commission to appoint a Divestiture Trustee to assign, grant, license, divest, transfer, deliver, or otherwise convey the relevant data and information. Further, CoreLogic must submit periodic compliance reports and give the Commission prior notice of certain events that might affect its compliance obligations arising from the Order. Lastly, the Order terminates after 10 years.

The purpose of this analysis is to facilitate public comment on the Consent Agreement, and it is not intended to constitute an official interpretation of the Order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2014–08635 Filed 4–15–14; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–PBS–2013–02; Docket No: 2013–0002; Sequence 12]

Federal Management Regulation; Delegations of Lease Acquisition Authority—Notification, Usage, and Reporting Requirements for General Purpose, Categorical, and Special Purpose Space Delegations

AGENCY: Public Buildings Service (PBS), General Services Administration (GSA).

ACTION: Notice of FMR Bulletin C–2 Delegations of Lease Acquisition Authority.

SUMMARY: The U.S. General Services Administration (GSA) recently completed a review of agencies' lease files for space acquired using a delegation of leasing authority from GSA in accordance with Federal Management Regulation (FMR) Bulletin 2008–B1 (Bulletin 2008–B1). FMR Bulletin C–2 clarifies the conditions, restrictions and reporting requirements specified in the delegation of authority and updates weblinks, the Simplified Lease Threshold and regulation references specified in FMR Bulletin 2008–B1. This bulletin is in keeping with the spirit of Executive Order 13327, ''Federal Real Property Asset Management,'' to maximize the increased governmentwide emphasis on real property inventory management.

A notice announcing FMR Bulletin C–2 appeared in the **Federal Register** on March 13, 2014 (79 FR 144251) which stated the bulletin would be posted only on the FMR Web site. However, that decision was reconsidered and for the convenience of the reader, FMR Bulletin C–2 appears in full in today's **Federal Register** following this notice. FMR Bulletin C–2 and all FMR bulletins may be accessed at *http://www.gsa.gov/fmrbulletins.*

DATES: *Effective:* April 16, 2014.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Mary Pesina, Director, Center for Lease Delegations, Office of Leasing, Public Buildings Service, at 202–236–1686, or *mary.pesina@gsa.gov.*

SUPPLEMENTARY INFORMATION: Federal Property Management Regulation (FPMR) Bulletin D–239, published in the **Federal Register** on October 16, 1996 (61 FR 53924), announced a new GSA leasing program called ''Can't Beat GSA Leasing'' and the delegation of lease acquisition authority issued by the Administrator of General Services to the heads of all Federal agencies in his letter of September 25, 1996. GSA Bulletin FPMR D–239, Supplement 1, published in the **Federal Register** on December 18, 1996 (61 FR 66668), issued supporting information for the delegation. GSA Bulletin FMR 2005–B1, published in the **Federal Register** on May 25, 2005 (70 FR 30115), revised and re-emphasized certain procedures associated with the delegation of General Purpose leasing authority.

On August 24, 2007, the Government Accountability Office and the GSA Office of Inspector General issued a report recommending that GSA provide centralized management and oversight of all lease delegation activities to ensure that all federal agencies procuring leased space under delegated authority follow the conditions, restrictions and reporting requirements specified in the delegation of authority. In response to the audit recommendations, GSA centralized its management and oversight of all GSA-authorized lease delegations and, on November 19, 2007, published FMR Bulletin 2008–B1 in the **Federal Register** (72 FR 65026), which limited General Purpose delegations of lease authority to no more than 19,999 rentable square feet of space and implemented management controls commensurate with the risks at that threshold. In addition, FMR Bulletin 2008–B1 established new requirements for agencies requesting authorization to use the General Purpose and Special Purpose delegation authority and established revised reporting

requirements, including the submission of documents to GSA at various points in the lease acquisition process, and required agencies to have in place an organizational structure to support the delegation, ensure compliance with all applicable laws, regulations and GSA directives governing the lease acquisition and administer the lease. FMR Bulletin 2008–B1 also addressed requirements for another longstanding delegation for Categorical space, as provided in 41 CFR part 102–73.

FMR Bulletin C–2 re-emphasizes and updates the conditions, restrictions and reporting requirements applicable to GSA leasing delegations.

Anne E. Rung,

Associate Administrator.

General Services Administration
Washington, DC 20417
Add date signed

GSA Bulletin FMR C–2

Delegations of Lease Acquisition Authority

TO: Heads of Federal Agencies
SUBJECT: Revised Implementation Requirements for Delegations of Lease Acquisition Authority.

1. Purpose

This bulletin re-emphasizes and modifies certain procedures associated with the use of the delegation of General Purpose leasing authority provided by GSA in 1996 as part of the leasing program called ''Can't Beat GSA Leasing,'' and two other longstanding delegations for Categorical and agency-specific Special Purpose space as currently provided in 41 CFR part 102–73.

2. Expiration

This bulletin cancels and replaces Federal Management Regulation (FMR) Bulletin 2008–B1, Delegations of Lease Acquisition Authority—Notification, Usage, and Reporting Requirements for General Purpose, Categorical, and Special Purpose Space Delegations, which was published in the **Federal Register** on November 19, 2007. It contains information of a continuing nature and will remain in effect until canceled.

3. Background

(a) By letter of September 25, 1996, the GSA Administrator delegated authority to the heads of all Federal agencies to perform all functions related to the leasing of General Purpose space for a term of up to 20 years regardless of geographic location. Lease procurements using this delegation must be compatible with the GSA community housing plans for new Federal construction or any suitable space that will become available in GSA-controlled federally owned or leased space. GSA will advise the agency about any limiting factors (*e.g.,* length of term), so that the lease will be consistent with any community housing plans. The 1996 delegation of authority does not alter the space delegation authorities in part 102–73 of the FMR, which pertain to ''Categorical Space Delegations'' and ''Special Purpose Space Delegations.'' None of the GSA delegations provide authorization for agencies to conduct procurements on behalf of or to collect rent from other agencies or private entities.

(b) GSA Bulletin FPMR D–239, published in the **Federal Register** on October 16, 1996, announced a new GSA leasing program called ''Can't Beat GSA Leasing'' and the delegation of lease acquisition authority issued by the Administrator of General Services to the heads of all Federal agencies in his letter of September 25, 1996. GSA Bulletin FPMR D–239, Supplement 1, published in the **Federal Register** on December 18, 1996, issued supporting information for the delegation. GSA Bulletin FMR 2005–B1, published in the **Federal Register** on May 25, 2005, revised and re-emphasized certain procedures associated with the delegation of General Purpose and Special Purpose leasing authority.

(c) On August 24, 2007, the Government Accountability Office and the GSA Office of Inspector General issued a report recommending that GSA provide centralized management and oversight of all lease delegation activities to ensure that all federal agencies procuring leased space under delegated authority follow the conditions, restrictions and reporting requirements specified in the delegation of authority. In response to the audit recommendations, GSA centralized its management and oversight of all GSA-authorized lease delegations and, on November 19, 2007, issued FMR Bulletin 2008–B1, which limited General Purpose delegations of lease authority to no more than 19,999 rentable square feet of space and implemented management controls commensurate with the risks at that threshold. In addition, FMR Bulletin 2008–B1 established new requirements for agencies requesting authorization to use the General Purpose and Special Purpose delegation authority and established revised reporting requirements, including the submission of documents to GSA at various points in the lease acquisition process, and required agencies to have in place an organizational structure to support the delegation, ensure compliance with all applicable laws, regulations and GSA directives governing the lease acquisition and to administer the lease. FMR Bulletin 2008–B1 also addressed requirements for another longstanding delegation for Categorical space, as provided in 41 CFR part 102–73.

(d) Executive Order No. 13327, ''Federal Real Property Asset Management'' (69 FR 5897), dated February 4, 2004, promotes the efficient and economical use of Federal real property resources. Among other things, the Executive Order requires Federal agencies to establish performance measures addressing the cost, value, and efficiency of all acquisitions, within the scope of an overall agency asset management plan. Agencies using any of the three GSA lease delegations ((1) General Purpose, (2) Categorical [41 CFR 102–73.145] and

(3) Special Purpose [41 CFR 102–73.160]) are expected to apply these measures to their acquisitions.

(e) Executive Order No. 13576, ''Delivering Efficient, Effective, and Accountable Government,'' dated June 13, 2011, directs agencies to identify areas of program overlap and duplication within and across agencies, and propose consolidations and reductions to address those inefficiencies. All agencies performing lease acquisition tasks within a data system under a delegated lease must use the GSA lease procurement data system if it is made available to the delegated agencies.

4. General Conditions for the Use of All Leasing Delegations

(a) Relocation of Government employees from GSA-controlled federally owned or leased space may not take place unless prior written confirmation has been received from the GSA Assistant Commissioner for the Office of Leasing, Public Buildings Service, or his or her successor or designee, that suitable Government-controlled owned or vacant leased space cannot be provided for them. See 41 CFR 102–73.10. Federal agencies will not be granted a delegation of leasing authority if suitable Government-controlled owned or vacant leased space is available.

(b) The average net annual rent (gross annual rent excluding services and utilities) of any lease action executed under a delegation must be below the threshold applicable to GSA's submission of a lease prospectus to its Congressional oversight committees under 40 U.S.C. 3307. The prospectus

threshold may be adjusted annually in accordance with 40 U.S.C. 3307(h). The current threshold for each fiscal year can be accessed by entering GSA's Web site at *http://gsa.gov/portal/content/101522.*

(c) The authority to lease granted by a delegation may only be exercised by a warranted realty contracting officer fully meeting the experience and training requirements of the Contracting Officer Warrant Program, as specified in section 501.603 of the General Services Administration Acquisition Manual (GSAM) and further revised by GSA Acquisition Letter V–06–06, Supplement Number 1, dated September 3, 2008, and Supplement Number 3, dated May 30, 2013, as these requirements may be revised from time to time.

(d) Agencies using the GSA leasing delegations are responsible for compliance with all laws, executive orders, regulations, and Office of Management and Budget (OMB) Circulars governing warranted GSA realty contracting officers. GSA retains the right to assess, at any time, both the integrity of each individual lease action as well as the capability of an agency to perform all aspects of the delegated leasing activities, and, if necessary, to revoke an agency's delegation in whole or in part. Improper use of any delegation may result in revocation of the delegation and denial of future delegation requests.

(e) Federal agencies must acquire and use the space in accordance with all applicable laws, executive orders, regulations, and OMB Circulars that apply to Federal space acquisition activities. Attachment 1 is a non-exhaustive list of laws, regulations, executive orders, and OMB Circulars governing the space acquisition process. This list may be revised from time to time. As discussed in greater detail in OMB Circular A–11, all leases must be scored prior to execution and must be budgeted in accordance with OMB's scorekeeping rules.

(f) Agencies are responsible for maintaining the capacity to support all delegated leasing activities, including a warranted realty contracting officer, legal review and oversight, construction and inspection management, cost estimation, lease management and administration, and program oversight. All supporting positions must possess the education and experience required for their respective fields of expertise as described on the U.S. Office of Personnel Management Web site for Professional and Scientific Positions at *http://www.opm.gov/qualifications/standards/group-stds/GS-PROF.asp.* GSA may request copies of professional licenses, certifications and designations at any time to verify the organizational structure is staffed with qualified personnel to support all leasing functions.

(g) Prior to submitting a lease delegation application to GSA, the requesting agency must conduct an assessment of its needs to establish technical requirements and the amount of space necessary to meet mission requirements. Additionally, agencies must conduct an analysis of current market trends and acquire space at charges consistent with prevailing market rates for comparable facilities in the community. Accountability for all leasing activities must be coordinated through the requesting agency's Senior Real Property Officer and Chief Financial Officer.

(h) As a condition for the use of GSA leasing delegations, agencies must make their pre-award and post-award lease files available for audit by GSA Office of Inspector General personnel or other GSA personnel or authorized agents as determined by the GSA Assistant Commissioner, Office of Leasing, or his or her successor or designee. An agency's delegation of leasing authority may be suspended until the agency has either made its lease files available for inspection or responded, to GSA's satisfaction, to all audit report recommendations and suggested corrective actions, or both.

(i) Agencies using the General Purpose delegation must submit a lease delegation request through the GSA Delegation Data System no less than 18 months in advance of lease expiration if there is a continuing need for the space and the agency wishes to obtain a new delegation to satisfy its space requirement. GSA will evaluate available vacant space and long-term housing plans and notify the agency, in writing, if compatible vacant space is available, and, if so, the delegation request will be denied.

(j) Agencies must manage their delegated lease inventory to avoid occupancy beyond the approved delegated lease term. A lease in holdover is in violation of the lease delegation authority and improper use of any delegation may result in revocation of the delegation and denial of future delegation requests.

(k) The GSA Pricing Desk Guide, Backfill Occupancies, section 2.2.3, applies to an agency moving from a delegated lease to GSA vacant space. An agency is responsible for funding its own physical move and telecommunication costs at the beginning and end of its occupancy term.

(l) An agency that does not wish to obtain a new delegation of leasing authority must give GSA at least 18 months notice in advance of the lease expiration date. The agency notice must include a complete Agency Space Requirements package to enable GSA to develop a procurement schedule and, if necessary, recommend a lease extension term, if an extension of the delegated lease will be necessary to afford GSA adequate time to procure a long-term replacement lease. The agency with delegated authority will be responsible for extending the lease after receiving a new delegation of leasing authority from GSA. The delegation of leasing authority for the lease extension must be approved by the GSA Assistant Commissioner for the Office of Leasing, Public Buildings Service, or his or her successor or designee, prior to the execution of any such extension.

(m) Agencies are not authorized to use the General Purpose delegation to enter into leases in excess of 19,999 usable square feet of space. In addition, agencies are prohibited from using the General Purpose leasing delegation to enter into a Supplemental Lease Agreement to expand the amount of space currently under lease, if such an expansion will cause the agency to lease a total of more than 19,999 usable square feet of General Purpose space at the leased premises.

5. Additional Delegation Requirements

(a) Pre-authorization submittal requirements from requesting agency for all General Purpose lease delegations and for Special Purpose lease delegation involving 2,500 or more square feet of such special purpose space. Prior to instituting any new, succeeding, superseding, replacement, extension, or expansion lease action under the General Purpose delegation or the Special Purpose delegation involving 2,500 or more square feet of such space, the head of the Federal agency, or his or her designee, must electronically submit a request to the GSA Delegation Data System for authorization to use the General Purpose or Special Purpose lease delegation authority. To obtain access to the GSA Delegation Data System, the Federal agency must electronically transmit a completed GSA Delegation Data System access approval form (available from the ''Lease Delegations'' Web page at *www.gsa.gov*) to *delegate@gsa.gov.* After obtaining system access, the requesting agency must electronically submit the following information to the GSA Delegation Data System:

1. A detailed narrative, including cost estimates, explaining why the granting of the request is in the best interests of the Government and how the agency's use of the delegated authority is cost-effective for the Government;

2. The name of the warranted realty contracting officer who will be conducting the procurement, along with a copy of the Lease Contracting Warrant, a certification of experience and copies of the lease training certificates of completion. The Contracting Officer must fully meet the experience and training requirements of the Contracting Officer Warrant Program, as specified in GSAM section 501.603 and further revised by GSA Acquisition Letter V–06–06, Supplement Number 1, dated September 3, 2008, and Supplement Number 5, dated May 30, 2013 as these requirements may be revised from time to time;

3. An acquisition plan for the procurement in accordance with the requirements specified in GSAM subpart 507.1—Acquisition Plans;

4. Justification for the delineated area in accordance with applicable laws and executive orders, including the Rural Development Act of 1972, as amended (7 U.S.C. 2204b–1), Executive Order 12072, Executive Order 13006, and Executive Order 13514;

5. A floodplain check in accordance with Executive Order 11988, ''Floodplain Management;''

6. An organizational structure and staffing plan to support the delegation that identifies trained and experienced warranted contracting staff, post-occupancy lease administration staff, real estate legal support, and technical staff to ensure compliance with all applicable laws, regulations and GSA directives governing lease acquisitions and administration of lease contracts;

7. A plan for meeting or exceeding GSA's performance measure for the cost of leased space relative to industry market rates. GSA's performance measures can be found on OMB's Web site at *http://www.whitehouse.gov/omb/expectmore/detail/10001157.2005.html;*

8. The total amount of required space, any special requirements and any associated parking requirements; and

9. A certification that the proposed space action is consistent with the OMB ''Freeze the Footprint'' policy.

GSA will decide whether the requesting agency's exercise of the delegation is in the Government's best interest. Prior to granting the agency's request for a leasing delegation, GSA will consider the following factors: Compatibility with the GSA community housing plan and GSA activities in the specific market, adequacy of the organizational structure and staffing proposed for the delegation, demonstrated ability of the requesting agency to meet or exceed GSA's Public Buildings Service published performance measures for cost of leased space, whether the requesting agency has complied with all applicable laws, executive orders, regulations, OMB Circulars, and reporting requirements under previously authorized delegations, and whether the granting of the requested delegation of leasing authority is cost-effective for the Government. Failure to demonstrate compliance with any of the enumerated factors will be a basis for denying the agency's request. No delegation will be granted solely for the purpose of accelerated delivery, and no delegation will be granted for space acquisitions totaling more than 19,999 usable square feet of General Purpose space.

The requesting agency may exercise the authority for a General Purpose or Special Purpose space lease delegation only after the GSA Assistant Commissioner for the Office of Leasing, Public Buildings Service, or his or her successor, notifies the requesting agency, in writing, that suitable GSA-controlled Federally owned or leased space is not available to meet the requesting agency's space need and it is in the best interest of the Government to authorize the agency to conduct the lease procurement. If the agency subsequently decides not to exercise the requested authority or its requirements change, the agency must promptly notify, in writing, the GSA Assistant Commissioner for the Office of Leasing, Public Buildings Service, or his or her successor.

(b) Agencies using the longstanding delegation for Categorical Space [41 CFR 102–73.145] and Special Purpose Space [41 CFR 102–73.160] must create a record for the delegation in the GSA Delegation Data System. The data entered in the GSA Delegation Data System must include:

1. Name and address of the requesting agency;

2. Lease location physical address, city and state;

3. The delegated authority applicable to the procurement;

4. A detailed narrative of the procurement action, including type of space and intended use, size of space in usable square feet or acreage, lease term, including renewal options, and estimated rental rate;

5. The name of the warranted realty contracting officer conducting the procurement; and

6. The rental rate negotiated in the lease. GSA will perform an annual review of Categorical and Special Purpose Space delegations reported in the GSA Delegation Data System. GSA will consider the following factors in the annual review:

i. The agency and whether the type of space qualifies as Categorical or Special Purpose in accordance with 41 CFR 102–73.145 and 102–73.160, respectively;

ii. Whether suitable Government-controlled owned or vacant leased space cannot be provided;

iii. Whether the average net annual rent for the lease action executed under the delegation is below the threshold applicable to GSA's submission of a lease prospectus to its Congressional oversight committees under 40 U.S.C. 3307; and

iv. Whether, the organizational structure and warranted contracting staff are in place to support the procurement.

(c) Additional post-award submittal requirements from the requesting agency for all General Purpose delegations or the Special Purpose delegations involving 2500 or more square feet of such special purpose space.

For all such leases, the agency must submit electronically to the GSA Delegation Data System, within 30 days after lease award, the following documents or evidence of compliance:

1. The fully executed lease document and all attachments;

2. The Request for Lease Proposal (RLP) and any modifications issued during the procurement;

3. The RLP ad posted on FEDBIZOPPS or in a local publication;

4. If a sole source contract over the simplified lease acquisition threshold of $150,000 average annual rent, a Justification for Other Than Full and Open Competition in accordance with section 6.303 of the Federal Acquisition Regulation (FAR);

5. If a sole source contract under the simplified lease acquisition threshold of $150,000 average annual rent, lease file documentation explaining the lack of competition may be submitted in lieu of a Justification for Other Than Full and Open Competition in accordance with GSAM section 570.203–2;

6. The market survey data identifying properties considered in connection with the space need, including historic buildings considered in accordance with Executive Order 13006;

7. Documentation of compliance with the National Environmental Policy Act of 1969, as amended (NEPA), in accordance with 40 CFR 1508.9 and the GSA Public Buildings Service's NEPA Desk Guide, which can be found at

http://www.gsa.gov/portal/content/101194;

8. Documentation that vending facilities will be provided in accordance with the Randolph-Sheppard Act;

9. The final scoring evaluation in accordance with OMB Circular A–11 (2012), Criteria and Scoring Ramifications for Operating and Capital Leases, as the Circular may be revised from time to time;

10. The Price Negotiation Memorandum, prepared in accordance with GSAM section 570.307 and section 15.406–3 of the FAR;

11. Documentation that the building is in compliance with all applicable fire and life safety requirements (GSA Form 12000 or a Certificate of Occupancy);

12. Documentation that the building is in compliance with the seismic requirements of the RLP (seismic certification and representation or exemptions);

13. Documentation of compliance with the floodplain management requirements of Executive Order 11988;

14. Copy of the Post-Award Synopsis posted in FEDBIZOPPS;

15. The small business subcontracting plan, if required, in accordance with section 19.702 of the FAR;

16. Documentation that the Excluded Parties List (also known as the Debarred Bidders List) was checked;

17. The pre-occupancy final inspection report verifying measurement of the demised space as shown on a computer-aided design floorplan, correction of deficiencies and punch-list items;

18. A Funds Availability Statement signed prior to lease award by a budget official with the requesting agency; and

19. Documentation that the negotiated rental rate is within the prevailing market rental rate for the class of building leased in the delegated action. The documentation may include information from organizations such as SIOR, Black's Guide, Torto-Wheaton, or Co-Star. If the negotiated rental rate exceeds the market range, provide information as to why the market rate was exceeded.

After review of the post-award documents, GSA may request additional information to determine whether the procurement was performed in accordance with all applicable laws, executive orders, regulations, and OMB Circulars that apply to Federal space acquisition activities. To determine whether the delegation was in the Government's best interest, GSA will evaluate whether the delegation was cost-effective for the Government in the acquisition and delivery of the space. In evaluating cost-effectiveness, GSA will consider the negotiated rental rate in comparison to the prevailing market rental rate for a similar class of building and other factors as GSA deems appropriate, including overhead costs, personnel costs, support contract costs, travel costs, accounting costs, and reporting costs. The agency must provide, upon request by GSA, detailed acquisition costs.

6. Federal Real Property Profile Reporting Requirements for General Purpose, Categorical and Special Purpose Leasing Delegations

(a) In accordance with Executive Order 13327, Federal agencies are required to submit data for assets in their real property inventory to the Federal Real Property Profile (FRPP). Agencies are required to report data on all leased assets acquired under a delegation from GSA.

The FRPP data elements that must be submitted for each leased asset include, but not limited to:

1. Agency/Bureau Name;
2. Size;
3. Location; and
4. Type of Space.

Agencies also will have to indicate whether the leased asset was acquired through a General Purpose (Provider of Choice), Categorical or Special Purpose space delegation. A complete list of the FRPP data elements and definitions can be found in the Federal Real Property Council's Guidance for Real Property Inventory Reporting, a copy of which can be obtained at *http://www.gsa.gov/datadictionary*. FRPP data concerning GSA lease delegation actions may be provided to the GSA Public Buildings Service upon prior approval of the Federal Real Property Council.

(b) GSA also reserves the right to request additional information on agencies' delegated lease activities based on the data submitted to the FRPP. For each location reported in the FRPP data system as General Purpose (Provider of Choice), Special Purpose and Categorical delegation, the agency is required to create a record in the GSA Delegation Data System. GSA will perform an annual reconciliation of data between the FRPP data system and the GSA Delegation Data System. Failure of an agency to timely or fully provide this additional information may result in GSA's revocation of the delegation to that agency.

Attachment 1

The listing below of laws, regulations, executive orders, and OMB Circulars affecting leasing may have applicability thresholds or other factors that impact applicability, and agency Contracting Officers must determine the individual applicability of each. These laws, executive orders, regulations, and OMB Circulars, each as may be amended from time to time, include the following:

1. Anti-Kickback Act of 1986 (41 U.S.C. 8701–8704);
2. Assignment of Claims Act of 1940 (31 U.S.C. 3727);
3. Balanced Budget Act of 1997 (2 U.S.C. 900 *et seq.*);
4. Competition in Contracting Act of 1984 (41 U.S.C. 3101 *et seq.*);
5. Contract Disputes Act of 1978 (41 U.S.C. 7101–7108);
6. Contract Work Hours and Safety Standards Act of 1962 (40 U.S.C. 3701–3708);
7. Copeland Act of 1934 (18 U.S.C. 874; 40 U.S.C. 3145(a));
8. Covenant Against Contingent Fees (41 U.S.C. 3901(a));
9. Davis-Bacon Act of 1931 (40 U.S.C. 3141–3148);
10. Drug-Free Workplace Act of 1988 (41 U.S.C. 8101–8106);
11. Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701–7706);
12. Energy Independence and Security Act of 2007, Public Law 110–140, Dec. 19, 2007, 435, 121 Stat. 1615 (42 U.S.C. 17091);
13. Energy Policy Act of 1992 (42 U.S.C. 8253);
14. Examination of Records (41 U.S.C. 4706);
15. Leasing Authority (40 U.S.C. 585(a));
16. Fire Administration Authorization Act of 1992 (15 U.S.C. 2227);
17. Intergovernmental Cooperation Act of 1968 (40 U.S.C. 901–905);
18. National Historic Preservation Act of 1966 (16 U.S.C. 470–470w–6);
19. Occupational Safety and Health Act of 1970 (29 U.S.C. 651–678);
20. Officials Not to Benefit (41 U.S.C. 6306);
21. Prohibitions on Use of Appropriated Funds to Influence Federal Contracting (31 U.S.C. 1352);
22. Prompt Payment Act (31 U.S.C. 3901–3907);
23. Prospectus Authority (40 U.S.C. 3307);
24. Randolph-Sheppard Act (20 U.S.C. 107 *et seq.*);
25. Architectural Barriers Act of 1968 (42 U.S.C. 4151–4157);
26. National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*);
27. Small Business Act (15 U.S.C. 631 *et seq.*);
28. Rural Development Act of 1972, as amended (7 U.S.C. 2204b–1);
29. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651–4655);
30. Resource Conservation and Recovery Act of 1976 (42 U.S.C. 690);

31. Executive Order No. 11375, ''Equal Employment Opportunity'' (Oct. 13, 1967, 32 FR 14303);
32. Executive Order No. 11988, ''Floodplain Management'' (May 24, 1977, 42 FR 26951);
33. Executive Order No. 11990, ''Protection of Wetlands'' (May 24, 1977, 42 FR 26961);
34. Executive Order No. 12072, ''Federal Space Management'' (Aug. 16, 1978, 43 FR 36869);
35. Executive Order No. 12699, ''Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction'' (Jan. 5, 1990, 55 FR 835);
36. Executive Order No. 13006, ''Locating Federal Facilities on Historic Properties in Our Nation's Central Cities'' (May 1, 1996, 61 FR 26071);
37. Executive Order No. 13423, ''Strengthening Federal Environmental, Energy and Transportation Management'' (January 26, 2007, 72 FR 3919);
38. Executive Order No. 13327, ''Federal Real Property Asset Management'' (Feb. 4, 2004, 69 FR 5897);
39. Executive Order No. 13514, ''Federal Leadership in Environmental, Energy, and Economic Performance'' (Oct. 5, 2009, 74 FR 52117);
40. Executive Order No. 13576, ''Delivering Efficient, Effective, and Accountable Government'' (Jun. 13, 2011, 76 FR 35297);
41. Executive Order No. 12941, ''Seismic Safety of Existing Federally Owned or Leased Buildings'' (Dec. 5, 1994, 59 FR 62545);
42. Comprehensive Procurement Guideline For Products Containing Recovered Materials (40 CFR chapter I, part 247);
43. OMB Circular A–11 (Capital Lease Scoring);
44. OMB Memorandum M–12–12, ''Promoting Efficient Spending to Support Agency Operations'' (May 11, 2012), and OMB Management Procedures Memorandum No. 2013–02, ''Implementation of OMB Memorandum M–12–12 Section 3: Freeze the Footprint'' (March 14, 2013);
45. Federal Management Regulation (41 CFR chapter 102);
46. General Services Administration Acquisition Manual, including the General Services Administration Acquisition Regulation (48 CFR chapter 5); and
47. The General Services Administration, Public Buildings Service, Leasing Desk Guide.

By delegation of the Administrator of General Services.

Anne E. Rung,

Associate Administrator.

[FR Doc. 2014–08645 Filed 4–15–14; 8:45 am]

BILLING CODE 6820–23–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0258]

Agency Information Collection Activities; Proposed Collection; Comment Request; Submission of Petitions: Food Additive, Color Additive (Including Labeling), and Generally Recognized as Safe Affirmation; Submission of Information to a Master File in Support of Petitions; Electronic Submission

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of FDA's regulations for submission of petitions, including food and color additive petitions (including labeling) and Generally Recognized as Safe (GRAS) affirmations, submission of information to a master file in support of petitions, and electronic submission using FDA Form 3503.

DATES: Submit either electronic or written comments on the collection of information by June 16, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Submission of Petitions: Food Additive, Color Additive (Including Labeling), and GRAS Affirmation; Submission of Information to a Master File in Support of Petitions; Electronic Submission Using FDA Form 3503—21 CFR 70.25, 71.1, 170.35, 171.1, 172, 173, 179 and 180 (OMB Control Number 0910–0016)—Extension

Section 409(a) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348(a)) provides that a food additive shall be deemed to be unsafe, unless: (1) The additive and its use, or intended use, are in conformity with a regulation issued under section 409 of the FD&C Act that describes the condition(s) under which the additive may be safely used; (2) the additive and its use, or intended use, conform to the terms of an exemption for investigational use; or (3) a food contact notification submitted under section 409(h) of the FD&C Act is effective.

Food additive petitions (FAPs) are submitted by individuals or companies to obtain approval of a new food additive or to amend the conditions of use permitted under an existing food additive regulation. Section 171.1 of FDA's regulations specifies the information that a petitioner must submit in order to establish that the proposed use of a food additive is safe and to secure the publication of a food additive regulation describing the conditions under which the additive may be safely used. Parts 172, 173, 179, and 180 contain labeling requirements for certain food additives to ensure their safe use.

Section 721(a) of the FD&C Act (21 U.S.C. 379e(a)) provides that a color additive shall be deemed to be unsafe unless the additive and its use are in conformity with a regulation that describes the condition(s) under which the additive may safely be used, or the additive and its use conform to the terms of an exemption for investigational use issued under section 721(f) of the FD&C Act. Color additive petitions (CAPs) are submitted by individuals or companies to obtain approval of a new color additive or a change in the conditions of use permitted for a color additive that is already approved. Section 71.1 of the Agency's regulations specifies the information that a petitioner must submit to establish the safety of a color additive and to secure the issuance of a regulation permitting its use. FDA's color additive labeling requirements in § 70.25 (21 CFR 70.25) require that color additives that are to be used in food, drugs, devices, or cosmetics be labeled with sufficient information to ensure their safe use.

FDA scientific personnel review FAPs to ensure the safety of the intended use of the additive in or on food or that may be present in food as a result of its use in articles that contact food. Likewise, FDA personnel review CAPs to ensure the safety of the color additive prior to its use in food, drugs, cosmetics, or medical devices.

Under section 201(s) of the FD&C Act (21 U.S.C. 321(s)), a substance is GRAS if it is generally recognized among experts qualified by scientific training and experience to evaluate its safety, to be safe through either scientific procedures or common use in food. The FD&C Act historically has been interpreted to permit food manufacturers to make their own initial determination that use of a substance in food is GRAS and thereafter seek affirmation of GRAS status from FDA. FDA reviews petitions for affirmation of GRAS status that are submitted on a voluntary basis by the food industry and other interested parties under authority of sections 201, 402, 409, and 701 of the FD&C Act (21 U.S.C. 321, 342, 348, and 371). To implement the GRAS provisions of the FD&C Act, FDA has set forth procedures for the GRAS affirmation petition process in 21 CFR 170.35(c)(1) of its regulations. While the GRAS affirmation petition process still exists, FDA has not received a GRAS affirmation petition since the establishment of the voluntary GRAS notification program and is not expecting any during the period covered by this proposed extension of collection of information.

Interested persons may transmit FAP or CAP regulatory submissions in electronic format or paper format to the Office of Food Additive Safety in the Center for Food Safety and Applied Nutrition using Form FDA 3503. Form FDA 3503 helps the respondent organize their submission to focus on the information needed for FDA's safety review. Form FDA 3503 can also be used to organize information within a master file submitted in support of Petitions according to the items listed on the form. Master files can be used as repositories for information that can be referenced in multiple submissions to the Agency, thus minimizing paperwork burden for food and color additive approvals. FDA estimates that the amount of time for respondents to complete FDA Form 3503 will continue to be 1 hour.

Description of respondents: Respondents are businesses engaged in the manufacture or sale of food, food ingredients, color additives, or substances used in materials that come into contact with food.

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

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section/FDA Form	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
CAPs						
70.25, 71.1	2	1	2	1,337	2,674	$5,600
GRAS Affirmation Petitions						
170.35	1 or fewer	1	1 or fewer	2,614	2,614	0
FAPs						
171.1	3	1	3	7,093	21,279	0
FDA Form 3503	6	1	6	1	6	0
Total					26,573	$5,600

The estimate of burden for food additive, color additive, or GRAS affirmation petitions is based on FDA's experience with the petition process. FDA is retaining its prior estimate of the number of petitions received because the average number of petitions received annually has varied little over the past 10 years. The figures for hours per response are based on estimates from experienced persons in the Agency and in industry. Although the estimated hour burden varies with the type of petition submitted, an average petition involves analytical work and appropriate toxicological studies, as well as the work of drafting the petition itself. The burden varies depending on the complexity of the petition, including the amount and types of data needed for scientific analysis.

Color additives are subjected to payment of fees for the petitioning process. The listing fee for a color

additive petition ranges from $1,600 to $3,000, depending on the intended use of the color and the scope of the requested amendment. A complete schedule of fees is set forth in § 70.19. An average of one Category A and one Category B color additive petition is expected per year. The maximum color additive petition fee for a Category A petition is $2,600 and the maximum color additive petition fee for a Category B petition is $3,000. Because an average of 2 color additive petitions are expected per calendar year, the estimated total annual cost burden to petitioners for this start-up cost would be less than or equal to $5,600 (1 × $2,600 + 1 × $3,000 listing fees = $5,600). There are no capital costs associated with color additive petitions.

The labeling requirements for food and color additives were designed to specify the minimum information needed for labeling in order that food and color manufacturers may comply with all applicable provisions of the FD&C Act and other specific labeling acts administered by FDA. Label information does not require any additional information gathering beyond what is already required to assure conformance with all specifications and limitations in any given food or color additive regulation. Label information does not have any specific recordkeeping requirements unique to preparing the label. Therefore, because labeling requirements under § 70.25 for a particular color additive involve information required as part of the CAP safety review process, the estimate for number of respondents is the same for § 70.25 and § 71.1, and the burden hours for labeling are included in the estimate for § 71.1. Also, because labeling requirements under parts 172, 173, 179, and 180 for particular food additives involve information required as part of the FAP safety review process under § 171.1, the burden hours for labeling are included in the estimate for § 171.1.

Dated: April 10, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–08590 Filed 4–15–14; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0386]

Agency Information Collection Activities; Proposed Collection; Comment Request; Orphan Drugs Products: Common European Medicines Agency/Food and Drug Administration Application Form for Orphan Medicinal Product Designation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on Orphan Drug Products: Common EMEA/FDA Application Form for Orphan Medicinal Product Designation (Form FDA 3671).

DATES: Submit written or electronic comments on the collection of information by June 16, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Orphan Drugs—21 CFR Part 316 (OMB Control Number 0910–0167)—Extension

FDA is amending the 1992 Orphan Drug Regulations, part 316 (21 CFR part 316). The 1992 regulations were issued to implement sections 525 through 528 of the Orphan Drug Act Amendments to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aa through 360ee) (the FD&C Act). The 1992 regulations specify the procedures for sponsors of orphan drugs to use in obtaining the incentives provided for in the FD&C Act and set forth the procedures that FDA will use in administering the FD&C Act.

The amendments are intended to clarify regulatory provisions and make minor improvements to address issues that have arisen since the issuance of the regulations in 1992. They are intended to assist sponsors who are seeking and who have obtained orphan drug designations, as well as FDA in its administration of the orphan drug program. Except with respect to the two revisions addressed further, the revisions in this rule clarify existing language and do not constitute a substantive or material modification to the approved collections of information in current part 316 (see 5 CFR 1320.5(g)). The collections of information in current part 316 have been approved by OMB in accordance with the PRA under OMB control number 0910–0167.

One revision concerns the name of the drug in an orphan-drug designation request. As provided in current § 316.20(b)(2) (*Content and format of a request for orphan-drug designation*), requests for orphan-drug designation must include the generic and trade name, if any, of the drug. For some products, however, neither a generic or trader name may be available. This can be the case for some large and complicated biological products or for any molecule for which the sponsor has not yet obtained a trade name. Under § 316.20(b)(2) as revised, requests for designation must include a chemical name or a meaningful descriptive name of the drug if neither a generic nor trade name is available. Drug names need to be meaningful to the public because the Orphan Drug Act (Pub. L. 97–414) requires that notice respecting designation of a drug be made available to the public (section 526(c) of the FD&C Act and § 316.28 (*Publication of orphan drug designations*)). Internal business codes or other similar identifies do not suffice for publication purposes as they do not provide meaningful notice to the public of a designation. By providing a chemical name or a meaningful descriptive name of a drug in a request for designation, if neither a generic nor trade name is available, sponsors would help ensure that the name of the product that FDA ultimately publishes upon designation is accurate and meaningful.

FDA regulations are currently silent on when sponsors must respond to a deficiency letter from FDA on an orphan-drug designation request. FDA sends such deficiency letters when a request lacks necessary information or contains inaccurate information, i.e., miscalculated prevalence estimate. This rule revises § 316.24(a) (*Deficiency letters and granting orphan-drug designation*) to include a requirement that sponsors respond to deficiency letters from FDA on designation requests within 1 year of issuance of the deficiency letter, unless within that time frame, the sponsor requests an extension of time to respond. FDA will grant all reasonable requests for an extension. In the event the sponsor fails to respond to the deficiency or request an extension of time to respond within the 1 year time frame, FDA may consider the designation request voluntarily withdrawn. This proposal is necessary to ensure that designation requests do not become ''stale'' by the time they are granted, such that the basis for the initial request may no longer hold.

Sections 525 through 528 of the FD&C Act gives FDA statutory authority to do the following: (1) Provide recommendations on investigations required for approval of marketing applications for orphan drugs, (2) designate eligible drugs as orphan drugs, (3) set forth conditions under which a sponsor of an approved orphan drug obtains exclusive approval, and (4) encourage sponsors to make orphan drugs available for treatment on an ''open protocol'' basis before the drug has been approved for general marketing. The implementing regulations for these statutory requirements have been codified under part 316 and specify procedures that sponsors of orphan drugs use in availing themselves of the incentives provided for orphan drugs in the FD&C Act and sets forth procedures FDA will use in administering the FD&C Act with regard to orphan drugs. Section 316.10 specifies the content and format of a request for written recommendations concerning the non-clinical laboratory studies and clinical investigations necessary for approval of marketing applications. Section 316.12 provides that, before providing such recommendations, FDA may require results of studies to be submitted for review. Section 316.14 contains provisions permitting FDA to refuse to provide written recommendations under certain circumstances. Within 90 days of any refusal, a sponsor may submit additional information specified by FDA. Section 316.20 specifies the content and format of an orphan drug application which includes requirements that an applicant document that the disease is rare (affects fewer than 200,000 persons in the United States annually) or that the sponsor of the drug has no reasonable expectation of recovering costs of research and development of the drug. Section 316.26 allows an applicant to amend the applications under certain circumstances. Section 316.30 requires submission of annual reports, including progress reports on studies, a description of the investigational plan, and a discussion of changes that may affect orphan status. The information requested will provide the basis for an FDA determination that the drug is for a rare disease or condition and satisfies the requirements for obtaining orphan drug status. Secondly, the information will describe the medical and regulatory history of the drug. The respondents to this collection of information are biotechnology firms, drug companies, and academic clinical researchers.

The information requested from respondents, for the most part, an accounting of information already in the possession of the applicant. It is estimated, based on frequency of requests over the past 3 years, that 275 persons or organizations per year will request orphan-drug designation and none will request formal recommendations on design of preclinical or clinical studies.

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

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
316.10, 316.12, and 316.14	2	1	2	100	200
316.20, 316.21, and 316.26	225	2	450	150	67,500
FDA Form 3671	50	3	150	45	6,750
316.22	65	1	65	2	130
316.27	43	1	43	5	215
316.30	450	1	450	3	1,350
316.36	2	3	6	15	90
Total					76,235

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: April 10, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–08589 Filed 4–15–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Advancing the Development of Pediatric Therapeutics: Pediatric Bone Health; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; rescheduling of public workshop.

The Food and Drug Administration's (FDA) Pediatric and Maternal Health Staff in the Center for Drug Evaluation and Research and the Office of Pediatric Therapeutics are announcing the rescheduling of a 1-day public workshop entitled ''Advancing the Development of Pediatric Therapeutics (ADEPT): Pediatric Bone Health.'' The purpose of this initial workshop is to provide a forum to consider issues related to advancing pediatric regulatory science in the evaluation of bone health in pediatric patients. The workshop scheduled for March 4, 2014, was postponed due to unanticipated weather conditions and rescheduled for June 3, 2014.

Date and Time: The public workshop will be held on June 3, 2014, from 8 a.m. to 5:30 p.m. This workshop is being rescheduled because of a postponed workshop announced in the **Federal Register** of February 6, 2014 (79 FR 7205), originally scheduled for March 4, 2014.

Location: The public workshop will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 2, Rm. 2047, Silver Spring, MD 20993. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security procedures will be performed. Please visit the following Web site for location, parking, security, and travel information: *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Contact Person: Denise Pica-Branco, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–1732, FAX: 301–796–9858, email: *denise.picabranco@fda.hhs.gov.*

Registration: There is no fee to attend the public workshop, but attendees should register in advance. Space is limited and registration will be on a first-come, first-served basis. Persons interested in attending this workshop must register online at *PediatricBoneHealth@fda.hhs.gov* before May 23, 2014. If you registered for the workshop before March 4, 2014, you *must re-register* for the workshop. For those without Internet access, please contact Denise Pica-Branco (see *Contact Person*) to register. Onsite registration *will not* be available.

If you need special accommodations due to a disability, please contact Denise Pica-Branco (see *Contact Person*) at least 7 days in advance.

SUPPLEMENTARY INFORMATION: FDA has engaged experts to address challenging issues related to the evaluation of effects on bone health for products used to treat pediatric patients. Identification of signals in animal studies and adult clinical trials that warrant further clinical investigation and identification of biomarkers that may be predictive of bone health in children will be discussed. Additionally, strategies and methods to address the challenges of assessing long-term bone health for products used to treat pediatric patients will be discussed.

Information about this meeting is also available at *http://www.fda.gov/Drugs/NewsEvents/ucm132703.htm.*

Dated: April 10, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–08592 Filed 4–15–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0406]

Proposed Strategy and Recommendations for a Risk-Based Framework for Food and Drug Administration Safety and Innovation Act Health Information Technology; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

The Food and Drug Administration (FDA) is announcing the following public workshop entitled ''Proposed Strategy and Recommendations for a Risk-Based Framework for Food and Drug Administration Safety and Innovation Act Health Information Technology.'' FDA, the Office of the National Coordinator for Health Information Technology (ONC), and the Federal Communication Commission (FCC) (collectively referred for the purpose of this notice as ''the Agencies'' [1]) seek broad input from stakeholders and experts on the proposed strategy and recommendations for a risk-based framework for the Food and Drug Administration Safety and Innovation Act (FDASIA) Health Information Technology (IT). The topic to be discussed is the FDASIA Health IT report that contains a proposed strategy and recommendations on an appropriate, risk-based framework for health IT that promotes innovation, protects patient safety, and avoids regulatory duplication.

DATES: *Dates and Times:* The public workshop will be held on May 13–15, 2014, from 8 a.m. to 5 p.m.

Location: The public workshop will be held at National Institute of Standards and Technology, 100 Bureau Dr., Building 101, Red Auditorium, Gaithersburg, MD 20899–1070.

Contact Person: Bakul Patel, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5456, Silver Spring, MD 20993, 301–796–5528, email: *Bakul.patel@fda.hhs.gov.*

Registration: Registration is free and available on a first-come, first-served basis. Persons interested in attending this public workshop must register online by 4 p.m. on May 2, 2014. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. Onsite registration on the day of the public workshop will not be available.

If you need special accommodations due to a disability, please contact Susan Monahan, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. 4321, Silver Spring MD 20993, 301–796–5661, email: *susan.monahan@fda.hhs.gov* no later than April 29, 2014.

To register for the public workshop, please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public

[1] ONC is not an agency, but an office, within the Department of Health and Human Services.

workshop from the posted events list.) Please provide complete contact information for each attendee, including name, title, affiliation, email, and telephone number. Those without Internet access should contact Susan Monahan to register (see special accommodations contact). Registrants will receive confirmation after they have been accepted. You will be notified if you are on a waiting list.

Streaming Webcast of the Public Workshop: This public workshop will also be Webcast. Persons interested in viewing the Webcast must register online by May 2, 2014, 4 p.m. Early registration is recommended because Webcast connections are limited. Organizations are requested to register all participants, but to view using one connection per location. Webcast participants will be sent technical system requirements after registration and will be sent connection access information after May 5, 2014. If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *http://www.adobe.com/go/connectpro_overview.* (FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Requests for Public Comment: This public workshop will include public comment sessions and topic-focused sessions. The Agencies have included topics for comment in this document. FDA will do its best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their comments. The Agencies will post additional details on the meeting Web page.

Comments: The Agencies are holding this public workshop to seek broad input from stakeholders and experts on the FDASIA Health IT Report that contains a proposed strategy and recommendations on an appropriate, risk-based framework pertaining to health information technology. In order to permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public workshop topics. The deadline for submitting comments related to this public workshop is June 12, 2014.

Regardless of attendance at the public workshop, interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. In addition, when responding to specific questions as outlined in section II, please identify the question you are addressing. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.govhttp://www.regulations.gov/.* It may be viewed at the Division of Dockets Management (see *Comments*). A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. A link to the transcripts will also be available approximately 45 days after the public workshop on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list).

SUPPLEMENTARY INFORMATION:

I. Background

Section 618 of FDASIA (Pub. L. 112–144), requires that FDA, in consultation with ONC and FCC, develop and post on their respective Web sites ''a report that contains a proposed strategy and recommendations on an appropriate, risk-based framework pertaining to health IT, including mobile medical applications, that promotes innovation, protects patient safety, and avoids regulatory duplication.'' To assist the Agencies' efforts in developing this report, FDA in collaboration with ONC and FCC formed a new workgroup, referred to as the FDASIA Workgroup, under ONC's Health Information Technology Policy Committee (HITPC) to help HITPC provide appropriate input and recommendations to FDA, ONC, and FCC as suggested by section 618(b) of FDASIA. The ''Proposed Strategy and Recommendations for a Risk-Based Framework for FDASIA Health IT'' report is available at FDA's Web site, *http://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDRH/CDRHReports/ucm390588.htm* or ONC's Web site, *www.healthit.gov/FDASIA.*

The proposed strategy and recommendations in the report reflect the Agencies' understanding that risks to patient safety and steps to promote innovation can occur at all stages of the health IT product life cycle and must consider the complex sociotechnical ecosystem in which these products are developed, implemented, and used. The Agencies believe a limited, narrowly-tailored approach that primarily relies on ONC-coordinated activities and private sector capabilities is prudent. The Agencies' proposed strategy identifies three categories of health IT: (1) Administrative health IT functions, (2) health management health IT functions, and (3) medical device health IT functions. The Agencies proposed strategy and recommendations focus primarily on a risk-based framework for clinical health IT functionalities. Four key proposed priority areas are identified in the report for a risk-based framework for health management health IT functionality:

- Promote the use of quality management principles;
- Identify, develop, and adopt standards and best practices;
- Leverage conformity assessment tools; and
- Create an environment of learning and continual improvement.

The Agencies also recommend the creation of a Health IT Safety Center that includes broad representation from public and private sector stakeholders. This public-private entity would be created by ONC, in collaboration with FDA, FCC, and the Agency for Healthcare Research and Quality (AHRQ), with involvement of other Federal Agencies, and other health IT stakeholders. The Health IT Safety Center would convene stakeholders in activities that promote health IT as an integral part of patient safety with the goal of assisting in the creation of a sustainable, integrated health IT learning system that avoids duplication and leverages and complements existing and ongoing efforts.

II. Topics for Discussion at the Public Workshop

Public comment is sought on the following topics: The Agencies' proposed strategy identifies three categories of health IT: (1) Administrative health IT functions, (2) health management health IT functions, and (3) medical device health IT

functions. The Agencies seek input on these three categories of health IT.

A. Promote the Use of Quality Management Principles

The Agencies seek input on the following questions related to promoting the use of quality management principles in health IT:

1. What essential quality management principles should apply to health IT? How should they apply to different stakeholders and at different stages of the health IT product lifecycle?

2. How do we assure stakeholder accountability for adoption of quality management principles? Is there a role for a non-governmental, independent program to assess stakeholder adherence to quality management principles? Is there a role for government?

B. Identify, Develop, and Adopt Standards and Best Practices

The Agencies seek input on the following questions related to identification, development, and adoption of standards and best practices in health IT:

1. Are the identified priority areas for standards and best practices the proper areas of focus? If not, what areas should be prioritized?

2. How can the private sector help facilitate the development and adoption of applicable health IT standards and best practices? Is there a role for a non-governmental, independent program to assess product and stakeholder adherence to standards and best practices? Is there a role for government?

C. Leverage Conformity Assessment Tools

The Agencies seek input on the following questions related to clarifying the value and role of conformity assessment tools in health IT:

1. What conformity assessment tools, if any, should be incorporated into a risk-based health IT framework? How should they apply to different stakeholders and at different stages of the health IT product lifecycle? How can adoption of and adherence to conformity assessment programs be promoted?

2. Should interoperability be tested? How should tests to validate interoperability be conducted? Should interoperability standard(s) be adopted and used for conformity assessments (i.e. develop a functional standard that specifies interoperability characteristics that could be used for conformity assessment)?

3. How should the intended user (e.g. health care provider, consumer, etc.) affect the type of conformity assessment performed?

4. How should conformance assessment results be communicated to stakeholders?

5. Is there a role for a non-governmental, independent health IT conformity assessment program? Is there a role for government? Should the ONC Health IT Certification Program be leveraged to protect patient safety through the use of conformity assessment tools?

D. Create an Environment of Learning and Continual Improvement

The Agencies seek public input on the following questions related to creating an environment of learning and continual improvement:

1. What should be the governance structure and functions of the Health IT Safety Center, in order for it to serve as a central point for a learning environment, complement existing systems, facilitate reporting, and promote transparent sharing of adverse events, near misses, lessons learned, and best practices?

2. How can comparative user experiences with health IT be captured and made available to the health IT community and other members of the public to promote learning?

3. How can the private sector help facilitate the development of a non-governmental process for listing selected health IT products? What types of products and information should be included? Should the results of conformity assessments, such as conformance with certain clinical or privacy and security standards, be included?

4. In terms of risk management, what type of safety-related surveillance is appropriate for health IT products categorized as health management functionality? What continued or expanded role(s), if any, should the ONC Health IT Certification Program play in the safety-related surveillance of health IT products?

5. What role should government play in creating an environment of learning and continual improvement for health IT?

E. Clinical Decision Support

The Agencies seek public input on the following questions related to clinical decision support (CDS):

1. What types of CDS functionality should be subject to the health management health IT framework? Which types should be the focus of FDA oversight?

2. How should the following priority areas identified in the health management health IT framework be applied to CDS categorized as health management health IT functionality?

a. *Quality management principles.*

b. *Standards and best practices.*

c. *Conformity assessments.*

d. *Learning environment and continual improvement.*

3. Are there additional safeguards for CDS, such as greater transparency with respect to CDS rules and information sources that are needed to appropriately balance patient safety and the promotion of innovation?

4. Does the certification of CDS functionalities, such as those functionalities currently certified under the ONC Health IT Certification Program, sufficiently balance patient safety and the promotion of innovation?

5. How can the private sector help assure the facilitation of the development, application and adoption of high quality CDS with health management health IT functionality in lieu of a regulatory approach? What role, if any, should government play?

Dated: April 11, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–08653 Filed 4–15–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1658]

Characterizing and Communicating Uncertainty in the Assessment of Benefits and Risks in Drug Regulatory Decision-Making; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; rescheduling of public workshop; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is announcing the rescheduling of a February 13, 2014, public workshop convened by the Institute of Medicine (IOM) entitled ''Characterizing and Communicating Uncertainty in the Assessment of Benefits and Risks in Drug Regulatory Decision-Making,'' published in the **Federal Register** of January 10, 2014. Due to inclement weather, the Federal Government was closed on February 13, 2014. We are rescheduling the public workshop to May 12, 2014, and extending the comment period for the public docket.

DATES: The public workshop will be held on May 12, 2014, from 9 a.m. to approximately 5 p.m. Registration to attend the workshop must be received by May 7, 2014. See the **SUPPLEMENTARY INFORMATION** section for information on how to register for the workshop. Submit either electronic or written comments by June 11, 2014.

ADDRESSES: The workshop will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, Sections B and C of the Great Room (rm. 1503), Silver Spring, MD 20993. Entrance for the public workshop participants is through Building 1, where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Submit electronic comments to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Sara Eggers, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Ave. Bldg. 51, Rm. 1166, Silver Spring, MD 20993–0002, 301–796–4904, FAX: 301–847–8443, email: *sara.eggers@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 10, 2014 (79 FR 1877), FDA announced a 2-day public workshop on February 12–13, 2014. Due to the Federal Government closure on February 13, 2014, the workshop was postponed. We are rescheduling the public workshop to May 12, 2014, and extending the comment period to June 11, 2014 (see **DATES**). The purpose of the workshop is twofold: (1) To explore potential approaches to addressing and communicating uncertainty and (2) to identify key considerations on developing, evaluating, and incorporating potential approaches to addressing uncertainty into the assessment of benefits and risks in the human drug review process. Additional information about the purpose of the workshop, topics for discussion, and registration is available on FDA's Web site at *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm378861.htm,* and is provided in the January 10, 2014, **Federal Register** notice, which is also available on FDA's Web site.

Dated: April 10, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–08591 Filed 4–15–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Cancellation of Meeting

Notice is hereby given of the cancellation of the Center for Scientific Review Special Emphasis Panel, April 14, 2014, 10:00 a.m. to April 14, 2014, 8:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on April 7, 2014, 79 FR 19103.

The meeting is cancelled due to the reassignment of applications.

Dated: April 10, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08557 Filed 4–15–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel Myalgic Encephalomyelitis/Chronic Fatigue Syndrome

Date: April 30, 2014.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Lynn E Luethke, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5166, MSC 7844, Bethesda, MD 20892, (301) 806–3323, *luethkel@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: April 10, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08560 Filed 4–15–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Immune Mechanism.

Date: April 14, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Scott Jakes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301–495–1506, *jakesse@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844,

93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: April 10, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08558 Filed 4–15–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director; Notice of Meeting

Notice is hereby given of a meeting scheduled by the Deputy Director for Intramural Research at the National Institutes of Health (NIH) with the Chairpersons of the Boards of Scientific Counselors. The Boards of Scientific Counselors are federal advisory committees to the Scientific Directors of the Intramural Research Programs at the NIH. This meeting will take place on May 16, 2014, from 9:00 a.m. to 11:00 a.m., at the NIH, 1 Center Drive, Bethesda, MD, 20892, Building 1, Room 151. The agenda for the meeting is a discussion of policies and procedures that apply to the regular review of NIH intramural scientists and their work.

The meeting will be open to the public, 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 contact Ms. Margaret McBurney at the Office of Intramural Research, NIH, Building 1, Room 160, Telephone: (301) 496–1921, FAX Number: (301) 402–4273, or email *mmcburney@od.nih.gov* in advance of the meeting.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: April 10, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–08561 Filed 4–15–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2013–0050; OMB No. 1660–0025]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; FEMA Grant Administration Forms/Non-Disaster (ND) Grants

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before May 16, 2014.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 1800 South Bell Street, Arlington, VA 20598–3005, facsimile number (202) 646–3347, or email address *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: FEMA Grant Administration Forms/Non-Disaster (ND) Grants.

Type of information collection: Reinstatement of a currently approved collection of information.

Form Titles and Numbers: FEMA Form 112–02–1, Financial Status Report, FEMA Form 112–0–2, Budget Information-Construction; FEMA Form 112–0–3,A,B,C, Summary Sheet for Assurances and Certifications; FEMA Form 112–0–4, Outlay Report and Request for Reimbursement for Construction Program; FEMA Form 112–0–5, Report of Government Property; FEMA Form 112–0–6, Reconciliation of Grants and Cooperative Agreements; FEMA Form 112–0–7, Obligating Document for Award/Amendment; FEMA Form 112–0–8, Budget Information-Non-Construction; FEMA Form 112–0–9, Detailed Budget Worksheet; and FEMA Form 112–0–10, FEMA Grants Application Form.

Abstract: The information collection activity is the collection of financial and administrative information from States and local governments, universities, and non-profits pertaining to grant and cooperative agreement awards that include application, program narrative statement, grant award, performance information, outlay report, property management, and closeout information. The information submitted by grant recipients on forms allows FEMA to evaluate applications and make award decisions, monitor ongoing performance and manage the flow of federal funds, and to appropriately close-out grants or cooperative agreements, when all work is completed. On January 8, 2014, FEMA published an initial notice in the **Federal Register** requesting comments on this information collection. 79 FR 1385, Jan. 8, 2014. One comment was received, however that comment did not address this information collection and was about an unrelated government program. The comment can be viewed online at *www.regulations.gov* under Docket ID FEMA–2013–0050.

Affected Public: State, Local or Tribal Government; Business or Other for Profit; and Not-for-profit Institutions.

Estimated Number of Respondents: 56.

Estimated Total Annual Burden Hours: 184,682.

Estimated Cost: There is no record keeping, capital, start-up or maintenance cost associated with this information collection.

Dated: April 7, 2014.

Loretta Cassatt,

Branch Chief, Records Management, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–08663 Filed 4–15–14; 8:45 am]

BILLING CODE 9111–78–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3366–EM; Docket ID FEMA–2014–0003]

West Virginia; Amendment No. 3 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of West Virginia (FEMA–3366–EM), dated January 10, 2014, and related determinations.

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

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of West Virginia is hereby amended to include grant assistance for those areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of January 10, 2014.

Boone, Cabell, Clay, Jackson, Kanawha, Lincoln, Logan, Putnam, and Roane Counties for emergency protective measures (Category B), including direct federal assistance, under the Public Assistance program carried out during the period of January 9–20, 2014.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–08661 Filed 4–15–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4165–DR; Docket ID FEMA–2014–0003]

Georgia; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4165–DR), dated March 6, 2014, and related determinations.

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

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Georgia is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 6, 2014.

White County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–08662 Filed 4–15–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5756–N–12]

60-Day Notice of Proposed Information Collection: Multifamily Housing Mortgage and Housing Assistance Restructuring Program (Mark to Market)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 16, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Claude Dickson, Bonds and Appeals Manager, OAHP, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *Claude.C.Dickson@hud.gov* or telephone 202–402–8372. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Mr. Dickson.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Multifamily Housing Mortgage and

Housing Assistance Restructuring Program (Mark to Market).

OMB Approval Number: 2502–0533.

Type of Request: Extension of currently approved collection.

Form Numbers: HUD–9624, HUD–9625, OPG 2.1, OPG 2.2, OPG 2.7, OPG 2.9, OPG 2.15, OPG 2.16, OPG 2.17, OPG 3.1, OPG 3.2, OPG 3.3, OPG 3.4, OPG 3.5, OPG 3.7, OPG 3.8, OPG 4.1, OPG 4.2, OPG 4.3, OPG 4.4, OPG 4.5, OPG 4.6, OPG 4.7, OPG 4.8, OPG 4.10, OPG 4.11, OPG 4.12, OPG 5.1, OPG 5.4, OPG 5.5, OPG 6.2, OPG 6.5, OPG 6.8, OPG 6.9, OPG 7.1, OPG 7.2, OPG 7.3, OPG 7.3TPA, OPG 7.5, OPG 7.6, OPG 7.7, OPG 7.8, OPG 7.9, OPG 7.11, OPG 7.12, OPG 7.13, OPG 7.14, OPG 7.16, OPG 7.21, OPG 7.22, OPG 7.23, OPG 7.24, OPG 7.25, OPG 8.1, OPG 9.10, OPG 9.11, OPG 10.2, OPG 10.4a, OPG 10.4b, OPG 10.6a, OPG 10.8, OPG Appendix M, Attachment 1, OPG Appendix M Attachment 2, OPG 11.1.

Description of the need for the information and proposed use: The Mark to Market Program is authorized under the Multifamily Assisted Housing Reform and Affordability Act of 1997 as extended by the Market to Market Extension Act of 2001. The information collection is required and will be used to determine the eligibility of FHA-insured multifamily properties for participation in the Mark to Market program and the terms on which such participation should occur as well as to process eligible properties from acceptance into the program through closing of the mortgage restructure in accordance with program guidelines. The result of participation in the program is the refinancing and restructure of the property's FHA-insured mortgage and, generally the reduction of Section 8 rent payments and establishment of adequately funded accounts to fund required repair and rehabilitation of the property.

Respondents (i.e. affected public): Contractors and tenants.

Estimated Number of Respondents: 126.

Estimated Number of Responses: 1922.

Frequency of Response: On occasion.

Average Hours per Response: 1.26

Total Estimated Burdens: 2412.3.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 9, 2014.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing—Associate Deputy Federal Housing Commissioner.

[FR Doc. 2014–08630 Filed 4–15–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5773–N–01]

Adoption of Updated Standard ASTM E 1527–13 Standard Practice for Environmental Assessments: Phase I Environmental Site Assessment Process

AGENCY: Office of Housing of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice updates guidance documents of HUD's Office of Housing and Federal Housing Administration (FHA) that reference the ASTM E 1527–05 standard for Phase I Environmental Site Assessments (ESAs) to the most recent standard, ASTM E 1527–13.

DATES: *Effective Date:* May 16, 2014.

FOR FURTHER INFORMATION CONTACT: Hilary Atkin, Housing Environmental Officer, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 9132, Washington, DC 20410, telephone 202–402–3427 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

HUD environmental regulations state that ''[i]t is HUD policy that all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property'' (24 CFR 50.3(i)(1)). In order to accomplish this policy, ''HUD shall require the use of current techniques by qualified professionals. . .'' (24 CFR 50.3(i)(4)). Currently, a Phase I ESA in accordance with ASTM E 1527–05 is required by several guidance documents throughout Office of Housing/FHA, including, but not limited to, the Multifamily Accelerated Processing (MAP) Guide, the Condominium Project Approval and Processing Guide, Handbook 4600.1 REV–1, Section 232 Mortgage Insurance for Residential Care Facilities, and Handbook 4615.1, Mortgage Insurance for Hospitals.

In November 2013, ASTM International published ASTM E 1527–13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. ASTM E 1527–13 defines good commercial and customary practice in the United States for conducting an Environmental Site Assessment (ESA) of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601) and petroleum products. In order for a defendant to limit liability for a release of hazardous substances, CERCLA requires that the defendant has ''no reason to know'' that the hazardous substance involved in the release or threatened release was present. In establishing no reason to know, the defendant must be able to show that it carried out, on or before the date on which the defendant acquired the facility, all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices, and took other reasonable steps (42 U.S.C. 9601(35)(B)(i)). The standards and practices that determine whether all appropriate inquiries have been carried out are established by regulation by the Environmental Protection Agency (EPA) (42 U.S.C. 9601(35)(B)(ii)). On December 30, 2013, the EPA updated these standards, and allowed parties to use ASTM E 1527–13 rather than the previous standard, ASTM E 1527–05 (78 FR 79319).

HUD's regulation at 24 CFR 50.3(i)(1) states as a matter of policy that all property to be used in HUD programs be free of hazardous substances, and § 50.3(i)(2) requires that HUD's environmental review include evaluation of previous uses of the site and other evidence of contamination on or near the site, ''to assure that occupants of proposed sites are not adversely affected'' by hazardous substances. Additionally, FHA's General Insurance Fund (GIF) and Mutual Mortgage Insurance (MMI) Fund can be at legal risk if HUD acquires a property and subsequently a hazardous substance is released or threatened to be released. For these reasons, adoption of the updated standard protects the GIF and MMI Fund from risks stemming from insuring sites with hazardous waste and/or petroleum product contamination. The updated standard will better equip HUD's Office of Housing/FHA staff to assess such risks as the standard includes updated definitions that will more fully inform the Office of Housing/FHA about the environmental conditions on the subject property.

One advantage of ASTM E 1527–13 is that it newly defines Controlled Recognized Environmental Conditions (CREC), which must be identified in the Phase I ESA. The new CREC definition will result in some environmental conditions being listed as CRECs if they have been remediated to restricted levels, as opposed to an unrestricted or de minimis level, and will be a great tool for Office of Housing/FHA staff to assess whether the site is appropriate for residential use. The definition does not create new analyses or documentation, as Phase I ESAs that were compliant with ASTM E 1527–05 would have discussed CRECs in the context of being either a Recognized Environmental Condition (REC) or a Historical Recognized Environmental Condition (HREC).

The ASTM E 1527–13 standard also newly defines migration, which includes hazardous waste or petroleum products in vapor form. Previous to this definition, it was unclear whether vapors had to be assessed under a Phase I ESA, and as a result many Phase I ESA reports did not include this analysis. The new definition will generally not change Office of Housing/FHA Phase I ESA report requirements, however, as the Office of Housing/FHA has required that a Vapor Encroachment Survey performed in accordance with ASTM E 2600–10 be incorporated into the Phase I ESA report for several years, and will continue to do so.

Finally, ASTM E 1527–13 modifies the definitions of HREC to require evaluation of whether a historical release of a hazardous waste or petroleum product that was addressed to the satisfaction of the regulatory authority in the past is considered a REC at the time the Phase I ESA is prepared because of a change in regulatory criteria. Such an analysis was conducted by many Phase I ESA preparers under the past standard, but the modification of the definition clarifies this requirement.

II. Action

ASTM E 1527–13 is formally adopted by the Office of Housing/FHA through this notice. Wherever ASTM E 1527–05 is referenced in Office of Housing/FHA guidance, participants in Office of Housing/FHA programs, funding recipients, FHA-insured mortgagees, and contractors must use ASTM E 1527–13. The Office of Housing/FHA will update guidance documents to reflect the adoption of ASTM E 1527–13 for Phase I ESA reports.

Dated: April 10, 2014.

Carol Galante,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2014–08629 Filed 4–15–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2014–N040; FXES11120200000–145–FF02ENEH00]

Notice of Availability: Draft Environmental Assessment and Draft Oil and Gas Industry Conservation Plan for the American Burying Beetle in Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of documents; request for public comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft environmental assessment (EA), under the National Environmental Policy Act of 1969 (NEPA), that evaluates the impacts of, and alternatives to the proposed Oil and Gas Industry Conservation Plan (ICP) for incidental take of the federally listed American burying beetle resulting from activities associated with geophysical exploration (seismic), development, extraction, or transport of crude oil, natural gas, and/or other petroleum products, and maintenance, operation, repair, and decommissioning of oil and gas pipelines and well field infrastructure. The proposed ICP Planning Area consists of 45 counties in Oklahoma. Individual oil and gas companies would apply for Endangered Species Act (ESA) permits for incidental take associated with activities covered in the ICP and agree to comply with the terms and conditions of the ICP.

DATES: *Comments:* We will accept comments received or postmarked on or before April 30, 2014. Comments submitted electronically must be received by 11:59 p.m. Central Time on the closing date. Comments submitted by U.S. mail must be postmarked by the closing date. Any comments we receive after the closing date or not postmarked by the closing date may not be considered in the final decision on this action.

ADDRESSES: *Obtaining Documents:*

- *Internet:* You may obtain copies of the draft EA and draft ICP on the Internet on the Service's Web site at *www.fws.gov/southwest/es/oklahoma/ABBICP.*
- *U.S. Mail:* A limited number of CD–ROM and printed copies of the draft EA and draft ICP are available, by request, from the Field Supervisor, by mail at Oklahoma Ecological Services Field Office, 9014 E. 21st St., Tulsa, OK 74129; by phone at 918–581–7458; or by fax at 918–581–7467. Please note that your request is in reference to the ICP for ABB in Oklahoma.
- *In-Person:* Copies of the draft EA and draft ICP are also available for public inspection and review at the following locations, by appointment and written request only, 8 a.m. to 4:30 p.m.:
  - U.S. Fish and Wildlife Service, 500 Gold Avenue SW., Room 6034, Albuquerque, NM 87102.
  - U.S. Fish and Wildlife Service, 9014 E. 21st St., Tulsa, OK 74129.

Comment submission: You may submit written comments by one of the following methods:

- *U.S. Mail:* U.S. Fish and Wildlife Service, 9014 E. 21st St., Tulsa, OK 74129.
- *Electronically: ABB_ICP@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Alisa Shull, Acting Field Supervisor, by U.S. mail at the U.S. Fish and Wildlife Service, Oklahoma Ecological Services Field Office, 9014 E. 21st St., Tulsa, OK 74129; or by phone at 918–581–7458.

SUPPLEMENTARY INFORMATION: Under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), this notice advises the public that we, the Service, have gathered the information necessary to determine impacts and formulate alternatives for the draft EA related to

the proposed issuance of incidental take permits (ITPs) under section 10(a)(1)(B) of the ESA to oil and gas companies (Applicants) who agree to the conditions in the Industry Conservation Plan (ICP). The ICP is a habitat conservation plan (HCP) that will cover take of the American burying beetle (ABB) that is incidental to covered activities associated with geophysical exploration (seismic), development, extraction, or transport of crude oil, natural gas, and/or other petroleum products, as well as maintenance, operation, repair, and decommissioning of oil and gas pipelines and well field infrastructure, and will include measures necessary to minimize and mitigate impacts to the covered species and their habitats to the maximum extent practicable.

After the ICP is approved, individual companies may apply for ESA section 10(a)(1)(B) Incidental Take Permits (ITPs) if they agree to implement the ICP. Requested ITPs, if granted, would authorize incidental take of the ABB (covered species) and be in effect from the date of issuance through the life of the ICP (24 months for development, and up to 20 years for operations and maintenance). The ICP Planning Area covers 35,716 square miles in the following 45 Oklahoma counties: Adair, Atoka, Bryan, Carter, Cherokee, Choctaw, Cleveland, Coal, Craig, Creek, Delaware, Garvin, Haskell, Hughes, Johnson, Kay, Latimer, Le Flore, Lincoln, Love, Marshall, Mayes, McClain, McCurtain, McIntosh, Murray, Muskogee, Noble, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Rogers, Seminole, Sequoyah, Tulsa, Wagoner, and Washington. No more than 32,234 acres of the 19,612,333 acres of ABB habitat in the Planning Area will be impacted under the ICP.

Background

We developed this short-term ICP to provide project proponents with a mechanism for incidental take authorization for project construction during the next two ABB active seasons (24 months) and up to a 20-year term for operations and maintenance of qualifying projects.

Alternatives

We are considering two alternatives as part of this process:

No Action—No ITPs would be issued under the proposed ICP or a similar short-term HCP. Oil and gas companies in Oklahoma within the range of the ABB would comply with the ESA by avoiding impacts (take) to the covered species where practicable. If take could not be avoided and a Federal nexus exists (funded, authorized, or carried out by a Federal agency), an operator or individual may receive take coverage through a biological opinion issued by the Service to the Federal action agency. If no Federal involvement exists, Applicants or individuals could apply for an ITP from the Service on a project-by-project basis. Each ITP would require development of an HCP and independent evaluation under NEPA.

Alternative 1: Activities as Proposed in the ICP—This alternative is issuance of ITPs by the Service for covered species in the 45-county ICP Planning Area, pursuant to section 10(a)(1)(B) of the ESA under the approved ICP, which would have a duration of 24 months for development and up to 20 years for operations and maintenance. Incidental take authorized by the requested ITP would result from construction, operation, maintenance, repair, or decommissioning of pipelines or other well field development activities. These activities are summarized below and explained in detail in the ICP.

Exploration and Extraction Activities (Upstream Production):

Exploration activities include seismic activities such as:

- Explosives
- Land vibroseis (where a truck is used to drop a heavy weight on hard surfaces, such as paved roads, to generate the designated frequency)

Extraction activities include construction, operation, maintenance, and reclamation of well field infrastructure, including the following:

- Well pads
- Gas flaring (with adequate flame enclosure)
- Work and access roads
- Electrical distribution lines (under 34.5 kilovolts)
- Off-site impoundments
- Communication towers (under 200 feet, unlit, without guy wires)
- Decommissioning of well field infrastructure

Transport of Petroleum Product (Midstream Development):

This includes gathering, processing/treating, transmission, and distribution of oil, natural gas, or other petroleum products, specifically including the following:

- Construction of gathering, transmission, and distribution pipeline
- Construction of surface ancillary facilities, including:
  - Access roads
  - Booster, compressor, and pump stations
  - Meter stations, mainline valves, pig launchers/receivers, regulator facilities, and other appurtenances
  - Natural gas processing and treating facilities
  - Communication towers (under 200 feet, unlit, without guy wires)
  - Electric distribution lines (under 34.5 kilovolts)
  - Electric substations
- Operation and maintenance of pipeline and surface ancillary facilities
- Decommissioning and reclamation of pipeline and surface ancillary facilities

Requested ITPs would be valid in their specific Permit Area within the 45-county ICP Planning Area, and be in effect from the date of issuance through the remaining duration of the ICP.

To meet the requirements of a section 10(a)(1)(B) ITP, the Applicant would agree to the conditions in the ICP, which describes the conservation measures to minimize and mitigate for incidental take of the covered species to the maximum extent practicable.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: March 20, 2014.

David Mendias,

Acting Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 2014–08596 Filed 4–15–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[14XL LLIDI00000–L10200000–PH0000–LXSSD0090000 241A 4500063890]

Notice of Public Meeting, Idaho Falls District Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Idaho Falls District Resource Advisory Council (RAC), will meet as indicated below.

DATES: The Idaho Falls District RAC will meet in Idaho Falls, Idaho, on May 20–21, 2014, for a two-day meeting at the Upper Snake Field Office, 1405 Hollipark Drive, Idaho Falls, Idaho. The first day will begin at 10:00 a.m. and adjourn at 4:30 p.m. The second day will begin at 8:00 a.m. and adjourn around 2:30 p.m.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in the BLM Idaho Falls District, which covers eastern Idaho.

Items on the agenda will include: an overview of current issues affecting the BLM, public comment period, a tribal treaty right presentation and discussion of the Big Desert including fire history and fuel break projects. At 8:00 a.m. on May 21, the RAC will meet at the Upper Snake Field Office and depart for a tour of the Big Desert to view fuels projects and Big Southern Butte. Agenda items and location may change due to weather and other environmental circumstances.

All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments (10:00–10:30 a.m. on May 20). Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided below.

FOR FURTHER INFORMATION CONTACT: Sarah Wheeler, RAC Coordinator, Idaho Falls District, 1405 Hollipark Dr., Idaho Falls, ID 83401. Telephone: (208) 524–7550. Email: *sawheeler@blm.gov*.

Dated: April 9, 2014.

Sarah Wheeler,

RAC Coordinator, Idaho Falls District.

[FR Doc. 2014–08594 Filed 4–15–14; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAC08000 L14300000 ET0000 14XL1109AF]

Notice of Public Meeting on Proposed Withdrawal; North and Middle Fork American River, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: This notice sets forth the schedule and agenda for a public meeting for the Bureau of Land Management's Proposed Withdrawal; North and Middle Fork American River. This meeting will provide the opportunity for public involvement in this proposed withdrawal action. All comments will be considered when a final determination is made on whether this land should be withdrawn.

DATES: The meeting will be held at the Auburn Recreation District, 471 Maidu Drive, Auburn, CA 95603 on May 20, 2014, at 6:30 p.m. This meeting will be open to all interested persons; those who desire to be heard in person and those who desire to submit written comments. Please indicate if you want to speak so time can be scheduled. All comments or requests to be heard should be received by close of business on Thursday, May 15, 2014 at the Bureau of Land Management, 5152 Hillsdale Circle, El Dorado Hills, CA 95762.

FOR FURTHER INFORMATION CONTACT: The BLM, Jodi Lawson, Realty Specialist, Mother Lode Field Office, 5152 Hillsdale Circle, El Dorado Hills, CA 95762, 916–941–3139, *jlawson@blm.gov*.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Withdrawal for the North and Middle Fork American River Area which was published in the **Federal Register** on September 4, 2012, (77 FR 53906–53907) is hereby modified to schedule a public meeting as provided by 43 CFR part 2300.

The purpose of the proposed withdrawal is to assure long term protection and preservation of the riparian areas, wildlife habitat, scenic quality, high recreation value and reservoir sitting potential of certain public lands within the Congressionally authorized Auburn Dam project area. This withdrawal would close the land for up to 20 years from settlement, sale, location or entry under the general land laws, including the United States mining laws, subject to valid existing rights. The land will remain open to mineral leasing.

Until *July 15, 2014,* all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Field Manager, Mother Lode Field Office of the Bureau of Land Management, 5152 Hillsdale Circle, El Dorado Hills, CA 95762.

Dated: April 3, 2014.

William S. Haigh,

Field Manager, Mother Lode Field Office.

[FR Doc. 2014–08601 Filed 4–15–14; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[14XL.LLID9570000.L14200000.BJ0000.241A.4500063981]

Idaho: Filing of Plats of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing of Plats of Surveys.

SUMMARY: The Bureau of Land Management (BLM) has officially filed the plats of survey of the lands described below in the BLM Idaho State Office, Boise, Idaho, effective 9:00 a.m., on the dates specified.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho 83709–1657.

SUPPLEMENTARY INFORMATION: These surveys were executed at the request of the Bureau of Land Management to meet their administrative needs. The lands surveyed are:

The plat representing the dependent resurvey of portions of the Fifth Standard Parallel North (north boundary), the Fifth Guide Meridian East (east boundary), and subdivisional lines, and the subdivision of sections 1 and 12, Township 21 North, Range 22 East, of the Boise Meridian, Idaho, Group Number 1387, was accepted February 12, 2014.The plat representing the dependent resurvey of portions of the west boundary and subdivisional lines, and the subdivision of section 30, Township 2 North, Range 43 East, of the

Boise Meridian, Idaho, Group Number 1389, was accepted March 17, 2014.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of sections 9 and 15, Township 7 South, Range 3 West, of the Boise Meridian, Idaho, Group Number 1375, was accepted March 18, 2014.

The plat representing the dependent resurvey of portions of the south boundary of the subdivisional lines, and the subdivision of section 34, and the metes-and-bounds survey of a portion of the as-built centerline of Mud Flat Road in section 34, Township 9 South, Range 2 West, of the Boise Meridian, Idaho, Group Number 1376, was accepted March 18, 2014.

The plat representing the dependent resurvey of portions of the north and west boundaries and subdivisional lines, and the subdivision of section 7, and the metes-and-bounds survey of a portion of the boundary of the North Fork Owyhee Wilderness Area, Township 9 South, Range 4 West, of the Boise Meridian, Idaho, Group Number 1377, was accepted March 18, 2014.

The supplemental plat prepared to show new lots 18, 19, and 20, in sec. 33, T. 29 N., R. 8 E., Boise Meridian, Idaho, Group Number 1414, was accepted March 19, 2014. The plat representing the dependent resurvey of portions of the west boundary and subdivisional lines, and the subdivision of section 7, Township 39 North, Range 2 West, of the Boise Meridian, Idaho, Group Number 1388, was accepted March 20, 2014. This survey was executed at the request of the Bureau of Indian Affairs to meet their administrative needs. The lands surveyed are:

The plat representing the dependent resurvey of portions of the west boundary, subdivisional lines, and subdivision of section 2, and the subdivision of sections 6 and 7, and the further subdivision of section 2, Township 34 North, Range 1 West, of the Boise Meridian, Idaho, Group Number 1385, was accepted February 5, 2014.

These surveys were executed at the request of the National Park Service to meet their administrative needs. The lands surveyed are:

The plat representing the dependent resurvey of portions of the south boundary, subdivisional lines, Tracts C and G in section 32, and Tract H in sections 32 and 33, and the subdivision of section 29, the metes-and-bounds survey of Tract 39, and the metes-and-bounds survey of the southerly side of a road in Tract H in section 33, Township 8 South, Range 19 East, of the Boise Meridian, Idaho, Group Number 1365, was accepted February 4, 2014.

Dated: April 10, 2014.

Stanley G. French,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 2014–08595 Filed 4–15–14; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management (BOEM)

Notice of Availability of the Proposed Notice of Sale (NOS) for Western Gulf of Mexico Planning Area (WPA) Outer Continental Shelf (OCS) Oil and Gas Lease Sale 238 (WPA Sale 238); MMAA 104000

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of Availability of the Proposed Notice of WPA Sale 238.

SUMMARY: BOEM announces the availability of the Proposed NOS for proposed WPA Sale 238. This Notice is published pursuant to 30 CFR 556.29(c) as a matter of information to the public. With regard to oil and gas leasing on the OCS, the Secretary of the Interior, pursuant to section 19 of the OCS Lands Act, provides affected States the opportunity to review the Proposed NOS. The Proposed NOS sets forth the proposed terms and conditions of the sale, including minimum bids, royalty rates, and rental rates.

DATES: Affected States may comment on the size, timing, and location of proposed WPA Sale 238 within 60 days following their receipt of the Proposed NOS. The Final NOS will be published in the **Federal Register** at least 30 days prior to the date of bid opening. Bid opening currently is scheduled for August 20, 2014.

SUPPLEMENTARY INFORMATION: The Proposed NOS for WPA Sale 238 and a ''Proposed Notice of Sale Package'' containing information essential to potential bidders may be obtained from the Public Information Unit, Gulf of Mexico Region, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394. Telephone: (504) 736–2519. The Proposed NOS and ''Proposed Notice of Sale Package'' also are available on BOEM's Web site at *http://www.boem.gov/Sale-238/.*

Agency Contact: Robert Samuels, Chief, Leasing Division, *Robert.Samuels@boem.gov.*

Dated: April 7, 2014.

Tommy P. Beaudreau,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–08305 Filed 4–15–14; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–830 (Enforcement/Modification)]

Certain Dimmable Compact Fluorescent Lamps and Products Containing Same; Commission Decision Finding a Violation of a Consent Order; Issuance of a Civil Penalty Order; Termination of Enforcement Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to affirm-in-part and reverse-in-part an enforcement initial determination (''EID'') of the presiding administrative law judge (''ALJ'') in the above-captioned proceeding finding a violation of a consent order. The Commission has issued a civil penalty order against respondent MaxLite, Inc. of Fairfield, New Jersey (''MaxLite'') in the amount of $10,000.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted an investigation on February 27, 2012, based on a complaint filed by Andrzej Bobel and Neptun Light, Inc., both of Lake Forest,

Illinois (collectively, ''Neptun''). 77 *FR* 11587 (Feb. 27, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended 19 U.S.C. 1337. More specifically, the complaint alleged that the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dimmable compact fluorescent lamps (''CFLs'') and products containing the same infringe, *inter alia,* claim 9 of United States Patent No. 5,434,480 (''the '480 patent''). The complaint named numerous respondents, including MaxLite, Inc. of Fairfield, New Jersey (''MaxLite''). On July 25, 2012, the Commission terminated the investigation with respect to MaxLite and entered a consent order preventing MaxLite from importing dimmable CFLs that infringe claim 9 of the '480 patent.

On February 6, 2013, MaxLite petitioned the Commission under Commission Rule 210.76 for modification of the consent order on the basis of certain district court proceedings regarding a covenant not to sue. On February 18, 2013, complainants filed a complaint requesting that the Commission institute a formal enforcement proceeding under Commission Rule 210.75(b) to investigate a violation of the consent order.

On April 12, 2013, the Commission determined to institute consolidated formal enforcement and modification proceedings to determine whether MaxLite is in violation of the July 25, 2012 consent order issued in the investigation; what, if any, enforcement measures are appropriate; and whether to modify the consent order. 78 *FR* 24233 (Apr. 24, 2013).

On January 10, 2014, the ALJ issued the EID in the combined enforcement and modification proceeding. Prior to the hearing, MaxLite effectively withdrew its request for modification. EID at 52. The ALJ therefore found MaxLite's modification request to be ''moot'' in view of ''the parties' agreed interpretation of the Consent Order.'' *Id.* The EID in all other respects dealt entirely with Neptun's enforcement complaint. At issue for enforcement of the consent order were two accused types of products: certain CFL bulbs (''CFL bulbs''); and ''dimmable CFL Faux Cans'' (''Faux Cans'').

The ALJ found that the CFL bulbs infringe claim 9 of the '480 patent. The ALJ also found that Neptun had not demonstrated infringement by the Faux Cans.

On January 23, 2014, Neptun filed a petition for review regarding claim construction and noninfringement by the Faux Cans. On January 30, 2014, MaxLite and the Commission investigative attorney (''IA'') filed oppositions to Neptun's petition.

On February 26, 2014, the Commission determined to review the enforcement ID. The Commission notice requested briefing on certain patent-related issues and on assessment of the civil penalty. 79 *FR* 12221, 12222 (Mar. 4, 2014).

Having examined the record of this investigation, including the ALJ's final EID, the petitions for review and responses thereto, and the parties' briefing in response to the Commission notice of review, the Commission has determined to affirm-in-part and reverse-in-part the EID. In particular, the Commission reverses the ALJ's finding that claim 9 has a ''bi-directionality'' requirement imposed by disavowal in the patent specification. The Commission likewise reverses that portion of the noninfringement determination regarding the Faux Cans predicated on that claim construction. The Commission affirms the ALJ's determination that Neptun failed to demonstrate infringement even absent such a ''bi-directionality'' requirement. EID at 45–51.

Further, the Commission has made its determination on the issues of remedy and the public interest. The Commission has determined to impose a civil penalty of $10,000 on MaxLite for violation of the consent order as to the accused CFL bulbs. A Commission opinion is forthcoming.

The Commission has terminated the enforcement proceeding. The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

Order

On April 12, 2013, the Commission determined to institute consolidated formal enforcement and modification proceedings to determine whether MaxLite, Inc. of Fairfield, New Jersey (''MaxLite'') is in violation of the July 25, 2012 consent order issued in the underlying investigation; what, if any, enforcement measures are appropriate; and whether to modify the consent order. 78 *FR* 24233 (Apr. 24, 2013). The matter was delegated to a presiding administrative law judge (''ALJ'') for issuance of an enforcement ID (''EID'') in the combined enforcement and modification proceeding. On January 10, 2014, the ALJ issued the EID.

Having reviewed the record in this investigation, including the EID and the parties' written submissions, the Commission has found a violation of the consent order by MaxLite. The Commission hereby *orders that* —

1. Respondent MaxLite shall forfeit and pay to the United States a civil penalty in the amount of $10,000. MaxLite and its affiliated companies, including but not limited to its parents, subsidiaries, affiliates and related companies, and successors or assigns shall have joint and several liability for the payment of this civil penalty.

2. The Secretary shall:

(a) serve copies of this Order and supporting Opinion upon each party of record in this enforcement proceeding; and

(b) publish notice of this Order in the **Federal Register**.

By order of the Commission.

Issued: April 10, 2014.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014–08580 Filed 4–15–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–894]

Certain Tires and Products Containing Same; Commission Determination Not To Review an Initial Determination Terminating the Investigation as to Shandong Hengyu Science & Technology Co., Ltd., the Sole Remaining Respondent, Based on a Settlement Agreement; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 40) of the presiding administrative law judge (''ALJ'') terminating the investigation as to the last remaining respondent in this investigation, Shandong Hengyu Science & Technology Co., Ltd., based on a settlement agreement. Several respondents were found in default during the course of the investigation, and the Commission requests written submissions on remedy, the public interest and bonding as to the defaulting respondents.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW.,

Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on September 20, 2013, based on a complaint filed by Toyo Tire & Rubber Co., Ltd. of Japan; Toyo Tire Holdings of Americas Inc. of Cypress, California; Toyo Tire U.S.A. Corp. of Cypress, California; Nitto Tire U.S.A. Inc. of Cypress, California; and Toyo Tire North America Manufacturing Inc. of White, Georgia (collectively, ''Toyo''). The complaint, as supplemented, alleges violation of section 337 by reason of infringement of certain claims of U.S. Design Patent Nos. D487,424; D610,975; D610,976; D610,977; D615,031; D626,913; D458,214; and D653,200 by numerous respondents. 78 *FR* 57882–83 (Sept. 20, 2013). Subsequently, the complaint and notice of investigation were amended to add Shandong Hengyu Science & Technology Co., Ltd. (''Shandong Hengyu'') as respondent. Several respondents were terminated from the investigation based on settlement agreements and consent orders.

On February 27, 2014, complainants Toyo moved to terminate the investigation as to respondent Shandong Hengyu based on a settlement agreement. On March 10, 2014, the Commission investigative attorney filed its response in support of Toyo's motion.

On March 14, 2014, the ALJ issued an ID (Order No. 40) granting the motion. The ALJ found that termination of the investigation as to Shandong Hengyu based on settlement does not impose any undue burden on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers. No party petitioned for review of ALJ Order No. 40, and the Commission has determined not to review it.

Shandong Hengyu is the sole remaining respondent in this investigation. Previously, the following respondents were found in default: (1) WestKY Customs, LLC—by ALJ Order No. 17 (Dec. 5, 2013), *not reviewed* December 27, 2013; (2) Tire & Wheel Master, Inc.– by ALJ Order No. 17 (Dec. 5, 2013), *not reviewed* December 27, 2013; (3) Vittore Wheel & Tire—by ALJ Order No. 17 (Dec. 5, 2013), *not reviewed* December 27, 2013; (4) RTM Wheel & Tire—by ALJ Order No. 17 (Dec. 5, 2013), *not reviewed* December 27, 2013); (5) Turbo Wholesale Tires, Inc.—by ALJ Order No. 30 (Feb. 3, 2014), *not reviewed* March 6, 2014; (6) Lexani Tires—by ALJ Order No. 30 (Feb. 3, 2014), *not reviewed* March 6, 2014; (7) WTD Inc.—by ALJ Order No. 30 (Feb. 3, 2014), *not reviewed* March 6, 2014; and (8) Simple Tire—by ALJ Order No. 34 (Feb. 18, 2014), *not reviewed* March 20, 2014. Section 337(g)(l) and Commission Rule 210.16(c) authorize the Commission to order relief against respondents found in default, unless, after considering the public interest, it finds that such relief should not issue.

In connection with the final disposition of this investigation, the Commission may: (1) Issue an order that could result in the exclusion of articles manufactured or imported by the defaulting respondents; and/or (2) issue a cease and desist order that could result in the defaulting respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No . 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors that the Commission will consider include the effect that the exclusion order and/or cease and desists orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 *FR* 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is also requested to state the HTSUS numbers under which the accused products are imported and the expiration dates of the asserted patents.

Written submissions must be filed no later than close of business on April 25, 2014. Reply submissions must be filed not later than the close of business on May 2, 2014. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadline stated above and submit eight true paper copies to the Office of the Secretary pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–894'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in

confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted nonconfidential version of the document must also be filed simultaneously with any confidential filing. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C . 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

Issued: April 10, 2014.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014–08620 Filed 4–15–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Public Availability of Department of Labor FY 2013 Service Contract Inventory

AGENCY: Office of the Assistant Secretary for Administration and Management, Labor.

ACTION: Notice of Public Availability of FY 2013 Service Contract Inventories.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), the Department of Labor (DOL) is publishing this notice to advise the public of the availability of its FY 2013 Service Contract Inventory. This inventory provides information on service contract actions over $25,000 made in FY 2013. The information is organized by function to show how contracted resources are distributed throughout the agency. The inventory has been developed in accordance with guidance issued on November 5, 2010, by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf.* The Department of Labor has posted its inventory and a summary of the inventory on the agency's Web site at the following link: *http://www.dol.gov/dol/aboutdol/main.htm#inventory.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to Gladys M. Bailey in the DOL/Office of Acquisition Management Services at (202) 693–7244 or *bailey.gladys@dol.gov.*

Dated: March 18, 2014.

Edward C. Hugler,

Deputy Assistant Secretary for Administration and Management.

[FR Doc. 2014–08612 Filed 4–15–14; 8:45 am]

BILLING CODE 4510–23–P

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

TIME AND DATES: The Members of the National Council on Disability (NCD) will hold a quarterly meeting on Tuesday, May 6, 2014, 1:30 p.m.—5:00 p.m. (Pacific Daylight Time).

PLACE: The meeting will occur in Berkeley, California at the Ed Roberts Campus, a universally designed, transit–oriented campus located at the Ashby BART Station. The address for the Ed Roberts campus is 3075 Adeline St, Berkeley, CA 94703. Interested parties may join the meeting in person or may join the phone line in a listening-only capacity (other than the period allotted for by-phone public comment) using the following call-in number: 877–419–6591; Conference ID: 5113111; Conference Title: NCD Meeting; Host Name: Jeff Rosen.

MATTERS TO BE CONSIDERED: The Council will receive reports from federal partners, its standing committees, and updates on policy projects underway or soon to be underway. The meeting will conclude with a period of public comment.

AGENDA: The times provided below are approximations for when each agenda item is anticipated to be discussed (all times PDT):

1:30 p.m.—Call to Order, Welcome, Introduction of New Council Members

1:45–2:15 p.m.—Federal Disability Programs and Initiatives Update, Q&A

2:15–2:30 p.m.—Executive Director's Report

2:30–3:30 p.m.—Standing Committee Reports

- Policy Development and Program Evaluation Committee
  - Medicaid Managed Care Forums Report-out
  - Affordable Care Act Project Update
- Audit & Finance Committee
- Governance Committee

3:30–3:45 p.m.—Break

3:45–4:45 New and Old Business

- Presentation by Disability Rights Education and Defense Fund (DREDF) on NCD draft transportation report ''Where We've Gone and What We've Learned'' and the autonomous vehicles report in progress
- Progress Report report-out

4:45–5:00 p.m. Public Comment

5:00 p.m.–Meeting Adjourned

PUBLIC COMMENT: To better facilitate NCD's public comment periods, any individual interested in providing public comment will be asked to register their intent to provide comment in advance by sending an email to *PublicComment@ncd.gov* with the subject line ''Registration'' with your name, organization, state, and topic of comment included in the body of your email. Full-length written public comments may also be sent to that email address. All emails to register for public comment at the May 6 quarterly meeting must be received by Friday, May 2, 2013. Priority will be given to those individuals who are in-person to provide their comments. Those commenters on the phone will be called on according to the list of those registered via email. Due to time constraints, NCD asks all commenters to limit their comments to three minutes.

CONTACT PERSON FOR MORE INFORMATION: Anne Sommers, NCD, 1331 F Street NW., Suite 850, Washington, DC 20004; 202–272–2004 (V), 202–272–2074 (TTY).

ACCOMMODATIONS: A CART streamtext link has been arranged for this meeting. The web link to access CART is: *www.streamtext.net/text.aspx?event=NCD.* Those who plan to attend the meeting in-person and require accommodations should notify NCD as soon as possible to allow time to make arrangements. **Please note:** To help reduce exposure to fragrances for those with multiple chemical sensitivities, NCD requests that all those attending the meeting in person please refrain from wearing scented personal care products such as perfumes, hairsprays, colognes, and deodorants.

Dated: April 11, 2014.

Rebecca Cokley,

Executive Director.

[FR Doc. 2014–08697 Filed 4–11–14; 4:15 pm]

BILLING CODE 6820–MA–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

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 May 16, 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: Li Ling Hamady, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

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

Permit Application: 2014–031

1. Applicant

Dr. Andrew G. Fountain, Department of Geology, 17 Cramer Hall; 1721 SW Broadway, Portland State University, Portland OR 97201.

Activity for Which Permit Is Requested

ASPA: This permit would allow entry into ASPA 123 Barwick Valley at a flyover height of 600m above the ground during a LiDAR campaign to map the surface elevation of the McMurdo Dry Valleys.

Location

Antarctic Specially Protected Area No. 123, Barwick Valley.

Dates

December 1, 2014 to January 21, 2015.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–08654 Filed 4–15–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–321 and 50–366; NRC–2012–0106]

Edwin I. Hatch Nuclear Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Renewed Facility Operating License Nos. DPR–57 and NPF–5, issued to Southern Nuclear Operating Company (SNC, the licensee), for operation of the Edwin I. Hatch Nuclear Plant (HNP), Units 1 and 2, located in Appling County, Georgia. The proposed amendments would revise the minimum water level for the plant service water system and ultimate heat sink. The NRC staff is issuing a final Environmental Assessment (EA) and final Finding of No Significant Impact (FONSI) associated with the proposed license amendments.

ADDRESSES: Please refer to Docket ID NRC–2012–0106 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–2012–0106. 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 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 notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The application for amendment, dated July 5, 2012, is available in ADAMS under Accession No. ML13015A089.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Robert E. Martin, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1493; email: *Robert.Martin@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

As required by § 51.21 of Title 10 of the *Code of Federal Regulations* (10 CFR), the NRC staff performed an environmental assessment to document its findings. SNC previously submitted its license amendment request by letter dated December 15, 2011 (ADAMS Accession No. ML113500108) and subsequently withdrew it by letter dated April 20, 2012 (ADAMS Accession No. ML12122A113). Based on information provided in SNC's resubmittal dated July 5, 2012 (ADAMS Accession No. ML13015A089), SNC's response to NRC's request for additional information dated October 10, 2012 (ADAMS Accession No. ML12284A299), and the NRC staff's independent review of references, the NRC did not identify any significant environmental impacts associated with the proposed license amendment.

Based on the results of the environmental assessment documented herein, the NRC is issuing this Finding of No Significant Impact (FONSI), in accordance with 10 CFR 51.32, for the proposed license amendment.

II. Environmental Assessment

Plant Site and Environs

The HNP is located in Appling County, Georgia, southeast of where U.S. Highway 1 crosses the Altamaha River, in a rural part of the state. It is located approximately 11 miles (mi) (18

kilometers [km]) north of Baxley, Georgia; 20 mi (32 km) south of Vidalia, Georgia; 98 mi (160 km) southeast of Macon, Georgia; 73 mi (120 km) northwest of Brunswick, Georgia; and 67 mi (107 km) southwest of Savannah, Georgia. The HNP site totals approximately 2,240 acres (ac) (910 hectares [ha]). The plant has two boiling-water reactors with steam-electric turbines manufactured by General Electric Company. Following the approval and completion of the latest extended power uprate in 2003, HPN, Units 1 and 2, have an electrical power output of 935 and 950 megawatts-electric (MW[e]), respectively (ADAMS Accession Nos. ML032671231 and ML032691360). HNP uses a closed-loop, cooling tower system for main condenser cooling that withdraws makeup water from and discharges to the Altamaha River via shoreline intake and offshore discharge structures.

Identification of the Proposed Action

The proposed action would amend Appendix A of HNP's Renewed Facility Operating Licenses in order to revise the minimum water level referenced in Technical Specification (TS) Surveillance Requirement (SR) 3.7.2.1 associated with the Limiting Condition for Operation (LCO) for the plant service water (PSW) system and ultimate heat sink (UHS). Specifically, SNC proposes a TS change to revise the minimum water level in the PSW pump well, as required by SR 3.7.2.1, from 60.7 feet (ft) (18.5 meters [m]) to 60.5 ft (18.4 m) mean sea level. As stated by SNC, the proposed TS change does not result in or require any physical changes to HNP systems, structures, and components, including those intended for the prevention of accidents. The license amendment would allow the licensee to avoid the potential for plant shutdown due to low river levels by demonstrating that sufficient water levels exist at the revised level to operate the plant safely. The licensee proposes to implement the proposed operational changes within 60 days of NRC's issuing the requested amendment.

The Need for the Proposed Action

The proposed action is needed to provide SNC with additional operational flexibility during periods of low river levels to avoid a plant shutdown, while providing sufficient availability of water to support post-accident cooling requirements for a 30-day period.

Environmental Impacts of the Proposed Action

As part of the original licensing process for HNP, Units 1 and 2, the NRC published a Final Environmental Statements (FES) for Hatch, Units 1 and 2, in October 1972, and a separate FES for Unit 2 in March 1978. The FESs project potential environmental impacts associated with the operation of HNP over its initial operating period. In 2001, the NRC evaluated the environmental impacts of operating HNP for an additional 20 years beyond the original operating license and predicted that the environmental impacts of license renewal were small. The NRC's evaluation of ongoing operational impacts under the renewed license is presented in the Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Edwin I. Hatch Nuclear Plant, Units 1 and 2—Final Report (NUREG–1437, Supplement 4) dated May 2001 (ADAMS Accession No. ML011420018). This document is the primary source of information presented in this environmental assessment, unless otherwise referenced.

The NRC staff considered information from SNC's license amendment request, the licensee's response to NRC staff's request for additional information, and NUREG–1437, Supplement 4 in preparing this environmental assessment. In its license amendment application, SNC states that the proposed TS change would not result in or require any physical changes to HNP systems, structures, and components, including those intended for the prevention of accidents. Further, the proposed license amendment involves a TS change that would only result in changes in procedural and operational aspects undertaken by HNP personnel for monitoring and maintaining the minimum water level in the PSW pump well. Thus, HNP's workforce would not change, and the regular operations workforce would otherwise be unaffected by the proposed action. Based on the above and the available information reviewed by the staff, the NRC concludes that no significant impact on land use and visual resources, geologic environment, air quality and noise, historic and cultural resources, socioeconomic conditions including environmental justice, or waste generation and management activities would occur near HNP from granting the proposed license amendment. Therefore, operational impacts on these resources are not further discussed in this environmental assessment for the purposes of evaluating SNC's proposed license amendment. NUREG–1437, Supplement 4 previously assessed the environmental impacts of continued operations of HNP, Units 1 and 2.

As identified in the evaluation performed by the licensee in support of its application, implementation of the TS change in the minimum water level in the PSW pump well to 60.5 ft (18.4 m) mean sea level for normal cooling water withdrawals would result in associated operational and receiving water changes. These include the following: (1) An altered discharge plume mixing zone, (2) altered discharge dilution for liquid radwaste discharges, and (3) an increased through-screen velocity at the river intake traveling screens, with an increased percentage of the river diverted through the plant. With regard to the proposed lowering of the minimum water level in the PSW pump well and associated receiving water changes, the sections below evaluate and describe the aspects and potential impacts on the environment and on specific resource conditions that could result from implementation of the proposed license amendment.

The details of the NRC staff's safety evaluation will be separately provided in the license amendment package issued to approve the license amendment, if granted.

Non-Radiological Impacts

Surface Water Resources:

The Altamaha River is the major source of water for HNP. The Altamaha River is approximately 500 ft (150 m) wide and a maximum of 30 ft (9 m) deep at HNP. The shoreline of the Altamaha River near HNP and immediately downstream for several miles is characterized by steep bluffs, floodplain forests, and sandbars. The river remains relatively undisturbed and has no major channelization, dredging, or major reservoirs. The U.S. Geological Survey (USGS) maintains a stream gaging station (Number 02225000, Altamaha River near Baxley, GA) on the right bank of the river about 400 ft (121 m) downstream from the U.S. Highway 1 bridge, approximately 530 ft (160 m) upstream from HNP. Based on 63 years of record, the average annual flow rate at this station is 10,820 cubic feet per second (cfs) (305.6 cubic meters per second [m^3/s]). Highest monthly flows normally occur in March and lowest monthly flows normally occur in September. The single day low flow (minimum daily mean flow) recorded to date at this gage occurred on September 19, 2011, with a discharge of 1,140 cfs (32.2 m^3/s).

Water is withdrawn from the river to provide cooling for certain once-through loads and makeup water to the cooling towers. SNC is permitted (Georgia Department of Natural Resources [GADNR] Permit 001–0690–01, expiration date April 7, 2020) to withdraw a monthly average of up to 85 million gallons per day (mgd) (322,000 cubic meters per day [m^3/d]), with a maximum 24-hour rate of up to 103.6 mgd (392,200 m^3/d). As a condition of this permit, SNC is required to monitor and report withdrawals. As documented in NUREG–1437, Supplement 4, HNP reported surface water withdraws averaging 57 mgd (216,000 m^3/d). Based on the most recent reported withdrawals for the period 2007 to 2011, HNP withdraws an annual average of 56.7 mgd (214,600 m^3/d) of water), an equivalent withdraw rate of 87.7 cfs (2.48 m^3/s). HNP's annual average withdrawal rate is approximately 0.8 percent of the annual average flow of the Altamaha River and about 7.7 percent of the historic single day low flow, as discussed above. As also documented in NUREG–1437, Supplement 4, approximately 58 percent of the water withdrawn by HNP for all uses is consumptively used in HNP's cooling towers and by other processes, with the balance (about 42 percent) discharged back to the river.

Additionally, as part of its application for the proposed TS change, SNC submitted a discharge rating calculation and rating table, which shows the discharge of the Altamaha River at specific river elevations as adjusted for the water elevation at the PSW pump well (inside the HNP intake). The analysis performed by SNC indicates that continued surface water withdrawals at the proposed PSW well minimum water level of 60.5 ft (18.4 m), and equating to a river low flow of 718 cfs (20.3 m^3/s), would provide sufficient water supply to meet HNP's 30-day TS requirements for safe-shutdown cooling under extended low river flow conditions. SNC's analysis further shows that sufficient water would be available at a minimum water level of 60.0 ft (18.3 m), reflecting a river low flow of 517 cfs (14.6 m^3/s). As also documented in the licensee's application (ADAMS Accession No. ML13015A089), SNC enlisted the USGS to perform an independent review of SNC's flow rating calculation. As documented in correspondence to SNC dated March 2, 2009, the USGS found SNC's calculations and methods to predict stream flow over extended low flow conditions on the Altamaha River to be ''conservative and satisfactory'' to address SNC's objective of verifying sufficient water supply at low river flows. USGS performed a low-flow probability analysis of the river stage-discharge relationship for the referenced gaging station, as adjusted for the elevation drop between USGS gage elevation and the HNP intake. Using a calculated low flow with a 0.002 non-exceedance probability (a flow with an annual probability of about 1 in 500) which is equivalent to 1,104 cfs (31.2 m^3/s), the USGS analysis yielded a conservative (bounding-case) surface water level elevation at HNP's intake of 61.02 ft (18.6 m). This level would be above the proposed PSW well minimum water level of 60.5 ft (18.4 m). It is noted that USGS calculated its 500-year recurrence low flow value using daily low flow statistics for the period of 1972 to 2008. Up to that time, the minimum daily mean flow observed was 1,330 cfs (37.6 m^3/s) on September 29, 2008, until the observed record daily mean low flow on September 19, 2011, at 1,140 cfs (32.2 m^3/s).

Nevertheless, SNC's analyses for its license amendment request demonstrate that the proposed operational change could support continued surface water withdrawals with sufficient margin, under low flow conditions, at a river level that is 0.2 ft (0.06 m) lower than evaluated in NUREG–1437, Supplement 4. The staff's analysis presented in NUREG–1437, Supplement 4 documented average annual surface water elevation fluctuations of about 9 ft (2.7 m) for the same one-month period over a period of 22 years and further concluded that surface water use conflicts from HNP's consumptive water use were small. While the proposed TS change would lower the minimum water level in the PSW pump well at which surface water would continue to be withdrawn for HNP operations, no increase in the volume of surface water withdrawn would occur, and no modification to HNP's state-issued surface water withdrawal permit is required (ADAMS Accession No. ML12284A299). Based on the above, the NRC staff concludes that the impacts of this operational change would have no significant incremental impact on the surface water hydrology of the Altamaha River.

HNP is operated under a National Pollutant Discharge Elimination System (NPDES) permit (No. GA0004120), issued by the Georgia Environmental Protection Division, which permits the discharge of combined process wastewaters including cooling tower blowdown to the Altamaha River. The NPDES permit expired on June 30, 2012, but has been administratively continued by the State and remains valid and in effect, since SNC submitted an NPDES renewal application over 180 days before permit expiration (ADAMS Accession No. ML12284A299).

As described in NUREG–1437, Supplement 4, HNP's combined discharge structure consists of two, submerged discharge lines that extend approximately 120 ft (37 m) out from the south shore at an elevation of 54 ft (17 m) mean sea level. The point of discharge is 1,260 ft (380 m) downriver from the intake structure and approximately 4 ft (1.2 m) below the surface when the river is at low water (see NUREG–1437, Supplement 4). The permit sets effluent limits for several other parameters (e.g., oil and grease, total suspended solids, and metals) but the point of compliance is specified at internal outfalls and prior to mixing and discharge through the combined discharge structure. The permit does not impose a maximum temperature limit on the combined river discharge but does require weekly temperature monitoring at the point of mixing and quarterly reporting of discharge temperatures to the State of Georgia. The permit further stipulates compliance with NRC requirements relative to radiological constituents. The water quality of the Altamaha River on which the HNP is located is also subject to regulation in accordance with Georgia's Water Use Classifications and Water Quality Standards (Chapter 391–3–6–.03 of the State's Rules and Regulations). For all waters in the State of Georgia, except where more stringent criteria apply, receiving water temperatures are not to exceed 90 degrees Fahrenheit (°F) (32 degrees Centigrade [°C]) and the temperature of receiving waters is not to be increased more than 5 °F (2.8 °C) above the intake temperature.

In support of its application, SNC performed a computer modeling study using CORMIX (version 5.0) and associated river bottom survey to evaluate the potential environmental impacts of operating HNP at the proposed minimum water level of 60.5 ft (18.4 m). In summary, this modeling incorporated ambient river temperature conditions for summer and winter and utilized historical river and HNP discharge flow rates. Based on the modeling performed including incorporation of an assumed ambient river temperature of 97 °F (36 °C), the projected discharge plume temperature difference from ambient was calculated to be 2.5 °F (1.4 °C) or less at a distance of 140 ft (42.7 m) downstream from the point of discharge. The modeling results obtained by SNC indicate that State and

Federal ambient water quality criteria and discharge standards would continue to be satisfied with respect to HNP's discharges to the Altamaha River. Consequently, the NRC staff concludes that the impacts of this operational change would have no significant incremental impact on the surface water quality and thermal characteristics of the Altamaha River. Granting the proposed license amendment is not expected to cause impacts significantly greater than current operations. Therefore, there would be no significant adverse surface water resource impacts following implementation of the proposed operational change.

Groundwater Resources:

The alluvial (unconfined) aquifer at the site is primarily south of the Altamaha River within the facility boundary, and consists of approximately 55 ft (17 m) of poorly sorted sand, gravel, and clay. The alluvial aquifer contains groundwater under water table conditions. Clayey soils dominate in the upper portion of the aquifer. These high-clay-content soils locally form a discontinuous, relatively impermeable zone. Recharge to the alluvial aquifer is by the infiltration of precipitation through and around the leaky clay zones. Limited recharge is also provided by the Altamaha River during high stages and by the minor confined aquifer of the Hawthorn Formation, to which the alluvium is hydraulically connected. The upper, alluvial aquifer and the minor confined aquifer are hydraulically separated from the underlying artesian (Floridan) aquifer from which HNP's supply wells withdraw groundwater for plant use. Within the immediate vicinity of the site, the primary use of groundwater is for domestic needs, with a limited amount for livestock. Most domestic wells are screened within the unconfined aquifer. As evaluated in NUREG–1437, Supplement 4, the staff determined that the consumptive use of surface water by HNP operations is estimated to lower the river elevation by 0.08 ft (0.02 m) during low-flow conditions. It was concluded that the consumptive use would not appreciably alter the potentiometric gradient in the alluvial aquifer and that the resulting impact on groundwater is small.

The withdrawal of surface water at a river level that is 0.2 ft (0.06 m) lower than the current minimum water level in the PSW pump well would have a negligible impact on groundwater resources. This is because the proposed change would not be expected to substantially affect the contribution of groundwater base flow from the alluvial aquifer to the Altamaha River, or the availability of groundwater for other users. Granting the proposed license amendment is not expected to cause impacts significantly greater than current operations. Therefore, there would be no significant adverse groundwater resource impacts from lowering the minimum water level in the PSW pump well as proposed by SNC.

Aquatic Resources:

The Altamaha River is formed by the confluence of the Ocmulgee and Oconee Rivers, which drain the Piedmont Region, and flows about 153 mi (246 km) to the Atlantic Ocean near Darien, Georgia. The drainage area is about 2,850 mi^2 (7,380 km^2), and lies entirely in the State of Georgia. The main stem of the river is confined to the Coastal Plain Physiographic Province, has no dams, and supports a healthy aquatic ecosystem.

The fish fauna is diverse and includes 93 species belonging to 25 different families. Common resident taxa include members of the catfish family (Ictaluridae), such as channel catfish and flathead catfish; and members of the sunfish family (Centrarchidae), including redbreast sunfish (L*epomis auritus*), bluegill (*L. macrochirus*), redear sunfish (*L. microlophus*), black crappie (*Pomixis nigromaculatus*), and largemouth bass (*Micropterus salmoides*); minnows (Cyprinidae); and suckers (Catostomidae). Flathead catfish are not endemic, but where introduced in the 1970s, and their increase has resulted in a decrease in populations of some native species, such as bullhead catfishes (*Ictalurus* spp.) and redbreast sunfish. The fish community seasonally includes anadromous herring (Clupeidae) and sturgeon (Acipenseridae) species that ascend rivers from the sea to breed, including American shad (*Alosa sapidissima*), hickory shad (*A. mediocris*), blueback herring (*A. aestivalis*), and both shortnose (*Acipenser brevirostum*) and Atlantic sturgeon (*A. oxyrhynchus*).

Other aquatic invertebrates include cottonmouth or water moccasin (*Agkistrodon piscivorus*); water snakes (*Nerodia* spp.); turtles, including softshell turtles (*Apalone* spp.) and river cooter (*Pseudemys concinna*); American alligator (*Alligator mississippiensis*); frogs; salamanders; and mammals, such as West Indian manatee (*Trichechus manatus*), muskrat (*Ondatra zibethicus*), river otter (*Lontra canadensis*), and beaver (*Castor canadensis*). Common aquatic invertebrates include the aquatic life stages of insects such as caddisflies, mayflies, stoneflies, dragonflies, damselflies, hellgrammites, beetles, midges, and black flies. Aquatic invertebrates also include freshwater mussels (*Elliptio* spp.) and the Asian clam corbicula (*Corbicula fluminea*), which is an invasive, non-native species. In addition to Federally protected species, which are also protected by Georgia and are addressed below, Appling County has one State-protected aquatic species: a freshwater mussel (*Alasmidonta arcula,* Altamaha arcmussel). Asian clam populations have been increasing and may adversely affect the rare, native freshwater mussels by ingestion and displacement of juveniles.

HNP has two nuclear units that use a closed-loop evaporative cooling system that withdraws from and discharges to the Altamaha River through a shoreline intake and offshore discharge structures at river mile [RM] 112 (river kilometer (RKm) 180), slightly southeast of the U.S. Highway 1 crossing of the Altamaha River. Water withdrawn for the river at the single intake structure is used to replace evaporation and to dilute the buildup of dissolved solids in the closed cycle system. Trash racks remove large debris, and vertical traveling screens with a ⅜-in. (1-cm) mesh remove smaller material.

The proposed license amendment would not affect the rate of water withdrawal or discharge, but would slightly affect the intake velocity, and would also affect the ratio of water withdrawn and discharged in relation to the river flow. The change in HNP's use of Altamaha River water for cooling and other purposes can affect aquatic resources through impingement of fish on intake screens, entrainment of smaller fish and invertebrates with the intake water, and discharge of heated wastewater. Only these effects are addressed here as specific to the proposed license amendment; other operational effects are addressed in NRC's NUREG–1437, Supplement 4.

Fish impingement rates are low, and SNC estimated that from 1975 through 1980, total fish impingement ranged from 146 to 438 fish per year. Entrainment rates of small fish and invertebrates are also low. SNC estimates that the hydraulic entrainment would be about 11 percent of the river flow passing the plant under minimum flow conditions without the proposed license amendment and about 11.5 percent with the license amendment. With much of the heat produced by SNC transferred to the atmosphere through evaporation by the closed-loop cooling system, the discharge of heated wastewater in minimal. In support of its discharge permit for the State of Georgia, SNC modeled the thermal

discharge under ambient river temperature conditions for summer and winter and historical river and HNP discharge flow rates. The calculated temperature difference between the discharge plume and ambient river temperature was 2.5 °F (1.4 °C) or less at a distance of 140 ft (42.7 m) downstream from the point of discharge, with a plume surface area of 0.05 ac (0.02 ha) and a plume cross-sectional area 3 percent of the river cross-section. The State of Georgia, not the NRC, regulates the effects of the cooling water intake and discharge, and the NRC relies on the State to protect aquatic resources. Considering the above information, the NRC staff concludes that proposed license amendment would have no significant effects on aquatic resources.

Terrestrial Resources:

Like other Coastal Plain rivers and streams, the Altamaha River meanders across a broad floodplain that has both steep bluff-like features and wide swampy regions. Most of the river flows through mixed forest where evergreen oaks, laurel species, and magnolia are common. Riparian plants found along the river and in forested wetlands include swamp black gum (*Nyssa sylvatica*), water tupelo (*N. aquatica*), bald cypress (*Taxodium distichum*), water hickory (*Carya aquatica*), red maple (*Acer rubrum),* sweetgum (*Liquidambar styraciflua*), and oaks (*Querca* spp.). The lower reaches flow through interior swamps and coastal marshes.

In addition to Federally protected species, which are also protected by Georgia and are addressed below, Appling County has several State-protected terrestrial species. Georgia-protected animals include three birds (*Aimophila aestivalis,* Bachman's sparrow; *Elanoides forficatus,* swallow-tailed kite; and *Haliaeetus leucocephalus,* bald eagle) and a mammal (*Corynorhinus rafinesquii,* Rafinesque's big-eared bat). Six Georgia-protected plant species also occur in Appling County: *Carex dasycarpa,* velvet sedge; *Marshallia ramosa,* pineland Barbara buttons; *Penstemon dissectus,* cutleaf beardtongue; *Sarracenia flava,* yellow flytrap; *Sarracenia minor* var. *minor,* hooded pitcherplant; and *Sideroxylon macrocarpum,* Ohoopee bumelia.

The proposed license amendment will not affect terrestrial habitats and so will have no adverse effects on terrestrial species or habitats.

Federally Protected Species

Under Section 7 of the Endangered Species Act of 1973, as amended (ESA), Federal agencies, in consultation with the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS) (as appropriate), must insure that any action the agency authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. On August 31, 2000, the NRC submitted a biological assessment to NMFS regarding the effects of SNC's then-proposed license renewal for HNP on the shortnose sturgeon and concluded that license renewal may affect, but is not likely to adversely affect, the shortnose sturgeon (ADAMS Accession No. ML003746456). The NRC and NMFS then began consultation under ESA Section 7. The NMFS requested that NRC modify the biological assessment to include the effects of periodic maintenance dredging near the intake structure. In July 2004, NRC submitted to NMFS a revised biological assessment that included more recent information and examined the effects of periodic dredging and that concluded that the HNP may affect, but is not likely to adversely affect the shortnose sturgeon and that the effects would be discountable (ADAMS Accession No. ML041910254). In August 2005, NMFS concurred with the conclusion of the biological assessment (ADAMS Accession No. ML052640354). Detailed information on the effects of HNP operations on shortnose sturgeon can be found in the referenced biological assessment and concurrence documents.

In February 2012, the NRC asked the FWS to identify Federally listed species near HNP as part of reviewing SNC's proposed license amendment. The FWS identified the four species shown in the following table as potentially occurring near HNP.

TABLE OF FEDERALLY LISTED SPECIES OCCURRING IN TOOMBS COUNTY, GEORGIA

Common name	Scientific name	ESA Status[(a)]
Aquatic Invertebrates		
Altamaha spinymussel	*Elliptio spinosa*	E, H
Reptiles		
eastern indigo snake	*Drymarchon corais couperi*	T
gopher tortoise	*Gopherus polyphemus*	C
Fish		
shortnose sturgeon	*Acipenser brevirostrum*	E

[(a)] C = Candidate, E = Endangered, T = Threatened, H = Critical Habitat designated.
Source: U.S. Fish and Wildlife Service (ADAMS Accession No. ML13063A517).

Two of the four listed species, the gopher tortoise and eastern indigo snake, are terrestrial, and the proposed license amendment would have no adverse effect on these species because SNC proposes no modifications to the terrestrial environment.

The mechanisms by which HNP might adversely affect shortnose sturgeon include entraining eggs and early larvae, impinging juveniles and adults, discharging heated effluent that results in physiological or behavioral changes, and affecting prey and other biotic or abiotic constituents of the habitat. Regarding entrainment, the 2004 revised biological assessment found that ''[b]oth the design of the plant (location, shoreline intake, closed cycle cooling) and the behavioral characteristics of juvenile and adult shortnose sturgeon lead to the conclusion that impingement of healthy adult and juvenile fish unlikely.'' For impingement, it found that ''[t]he design and location of the plant (shoreline intake on the opposite side of the thalweg, closed cycle cooling, and the plant not located in any known spawning areas) and the lack of a confirmed upstream spawning grounds leads the staff to conclude that the site has a very low potential for entrainment of shortnose sturgeon larvae.'' Regarding the thermal effluent, it found that ''. . . thermal modeling of the discharge demonstrated that thermal blockage of the river will not occur'' and that ''[t]he area of temperature rise in the river of a few degrees is limited to a small area just below the outfall even during low flow conditions'' so that ''. . . thermal

discharges from the plant will not adversely affect the migration of shortnose sturgeon in the Altamaha River.'' The relatively small and infrequent increase in intake velocity that may result from the proposed change in the minimum water level in the PSW pump well should not alter the conclusions regarding entrainment or impingement. The characteristics of the thermal effluent during extreme low river flow would change, but SNC reports that the effluent should still comply with the NPDES-permitted limits authorized and monitored by the State of Georgia to protect aquatic resources, including shortnose sturgeon.

Because the license amendment would not change the effects of HNP on shortnose sturgeon, the NRC's 2004 biological assessment conclusion, with which FWS concurred in 2005, would not change: the operation of HNP may affect, but is not likely to adversely affect, the shortnose sturgeon and any effects would be discountable.

The FWS also identified one aquatic invertebrate as listed and possibly occurring near the plant: the endangered Altamaha spinymussel, for which FWS also designated critical habitat in the Altamaha River. The FWS listed the Altamaha spinymussel on October 11, 2011 (76 FR 62939), well after the NRC's 2000 biological assessment for license renewal and its subsequent consultation with NMFS regarding the shortnose sturgeon. The NRC had not considered the potential effects of operation of HNP on the mussel prior to this license amendment request.

In August 2013, the NRC sent a biological assessment for the Altamaha spinymussel to FWS and requested concurrence with its findings (ADAMS Accession No. ML13193A366). The biological assessment made the following conclusions. The Altamaha spinymussel has historically been found in the main stem of the Altamaha River and its larger tributaries. HNP lies close to the center of its present range. Although FWS has designated critical habitat above and below HNP, critical habitat does not include the Altamaha River near HNP. The NRC staff examined several sources of stress associated with the operation of HNP that the FWS listing announcement suggested might affect the species. The staff found that the potential effects of dredging and sediment contamination, entrainment and impingement of host fish species, trophic interactions, and habitat fragmentation are insignificant or discountable. The staff also found no adverse effects to critical habitat. The staff concluded that the present and future operation of HNP may affect, but is not likely to adversely affect, Altamaha spinymussel and that the present and future operation of HNP would have no effect on Altamaha spinymussel critical habitat. On December 10, 2013, the FWS concurred with NRC's biological assessment and stated that the requirements of Section 7 of the ESA have been satisfied (ADAMS Accession No. ML14006A295).

Radiological Impacts

In its license amendment application, SNC states that the proposed TS change would not result in or require any physical changes to HNP systems, structures, and components, including those intended for the prevention of accidents. The proposed action to revise the minimum water level in the PSW pump well would not have a significant adverse effect on the probability of an accident occurring or result in an increased radiological hazard beyond those analyzed in the licensee's Updated Final Safety Analysis Report. There will be no change to radiation levels or the types or quantities of radioactive effluents (gaseous or liquid) that affect radiation exposures to plant workers and members of the public. No changes or different types of radiological impacts are expected as a result of the proposed action. Therefore, the radiological impacts of granting the license amendment would be negligible and would not have a significant adverse effect on the environment.

Cumulative Impacts

The NRC considered potential cumulative impacts on the environment resulting from the incremental impact of the proposed license amendment when added to other past, present, and reasonably foreseeable future actions. For the purposes of this analysis, past actions are related to the resource conditions when HNP, Units 1 and 2, and were licensed and constructed. Present actions are related to the resource conditions during current operations, and future actions are those that are reasonably foreseeable through the end of HNP's current license renewal term and which may be likely to affect the same resources as those considered for the proposed license amendment.

The NRC has not identified any reasonably foreseeable actions within the context of the scope of this environmental assessment. Nevertheless, the proposed operational change to lower the minimum water level in the PSW pump well for normal cooling water withdrawals does not result in or require any physical changes to HNP systems, structures, and components. For the resource areas potentially affected by the proposed operational changes (i.e., surface water and groundwater resources, aquatic resources, terrestrial resources, and threatened and endangered species), the contributions of ongoing actions within a region to cumulative impacts are regulated and monitored through a permitting or other regulatory consultation or certification processes (e.g., 401 certification, and NPDES and 404 permits under the Clean Water Act) under State or Federal authority. In these cases, the cumulative impacts are managed as long as the actions are in compliance with their respective permits and conditions of certification. The proposed license amendment entails no increase in water use or effluents requiring modification of HNP's state-issued surface water withdrawal permit or its NPDES permit that regulates the discharge of combined process wastewaters to the Altamaha River and their potential nonradiological and radiological effects on water quality and aquatic resources. Thus, there are no incremental contributions to cumulative impacts with respect to these attributes of the proposed action.

The staff also conducted a review of terrestrial and aquatic resources, including threatened and endangered species, that could be impacted by the proposed license amendment. NRC staff prepared a biological assessment for the Federally endangered Altamaha spinymussel, as previously described. The staff found that proposed operational changes at HNP may affect, but are not likely to adversely affect the species. The biological assessment was submitted to the U.S. FWS in accordance with consultation requirements under Section 7 of the ESA. In December 2013, the FWS concurred with the staff's biological assessment and findings and concluded that the requirements of Section 7 of the ESA had been satisfied, thus concluding Section 7 informal consultation.

Based on the above, the staff concludes that cumulative impacts would not be significant from implementation of the proposed license amendment.

Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed license amendment (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. However, denial would result in reduced operational flexibility.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in NUREG–1437, Supplement 4 prepared for license renewal of HNP.

Agencies and Persons Consulted

In accordance with its stated policy, on February 19, 2014, the staff notified the Georgia State official, Mr. Chuck Mueller, of the Georgia Department of Natural Resources, regarding the environmental impact of the proposed action. The State official had no comments.

Additionally, the staff contacted the FWS in August 2013 as part of soliciting comments and obtaining concurrence on the staff's biological assessment for the Altamaha spinymussel, as part of informal Section 7 consultation under the Endangered Species Act. The FWS's comments and findings with respect to the proposed action have been noted and are further discussed under the sections for Federally Protected Species and Cumulative Impacts in this environmental assessment.

III. Finding of No Significant Impact

The NRC is considering issuing an amendment for Renewed Facility Operating License Nos. DPR–57 and NPF–5, issued to Southern Nuclear Operating Company (SNC) for operation of the Edwin I. Hatch Nuclear Plant (HNP), Units 1 and 2, to revise the minimum water level referenced in the Technical Specification (TS) associated with the Limiting Condition for Operation for the plant service water (PSW) system and ultimate heat sink. The TS change would revise the minimum water level in the PSW pump well from 60.7 feet (ft) (18.5 meters [m]) to 60.5 ft (18.4 m) mean sea level.

On the basis of the environmental assessment included in Section II above and incorporated by reference in this finding, the NRC concludes that the proposed action will not have significant effects on the quality of the human environment. The proposed action has no significant impacts on surface water or ground water resources, no significant effect on aquatic resources, and no adverse effects on terrestrial species or habitat. In addition, the action is not likely to adversely affect any endangered species or affect a critical habitat, and the radiological and cumulative impacts are either negligible or are not significant. Accordingly, the NRC decided not to prepare an environmental impact statement for the proposed action.

The environmental documents related to this finding and listed below are available for public inspection and may be inspected online through the NRC's Agencywide Documents Access and Management System (ADAMS) at *http://www.nrc.gov/reading-rm/adams.html.* You may also inspect these documents at the NRC's Public Document Room as described previously.

Related documents include the following: SNC's December 15, 2011 license amendment request (ADAMS Accession No. ML113500108); SNC's subsequent withdrawal of the request by letter dated April 20, 2012 (ADAMS Accession No. ML12122A113); SNC's resubmittal of the amendment request dated July 5, 2012 (ADAMS Accession No. ML13015A089); SNC's response to NRC's request for additional information dated October 10, 2012 (ADAMS Accession No. ML12284A299); the NRC's May 2001 evaluation of ongoing operational impacts under the renewed license presented in the Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Edwin I. Hatch Nuclear Plant, Units 1 and 2—Final Report (NUREG–1437, Supplement 4; ADAMS Accession No. ML011420018); NRC's August 31, 2000 biological assessment regarding the effects of SNC's then-proposed license renewal for HNP on the shortnose sturgeon (ADAMS Accession No. ML003746456); NRC's revised biological assessment of July 2004 (ADAMS Accession No. ML041910254); NMFS's concurrence with the conclusion of that biological assessment in August 2005 (ADAMS Accession No. ML052640354); the NRC's August 2013 biological assessment for the Altamaha spinymussel (ADAMS Accession No. ML13193A366); and FWS's concurrence with the conclusion in that biological assessment (ADAMS Accession No. ML14006A295).

For further details with respect to the proposed action, see the licensee's application letters dated July 5 and October 10, 2012 (ADAMS Accession Nos. ML13015A089 and ML12284A299).

Dated at Rockville, Maryland, this 9th day of April 2014.

For the Nuclear Regulatory Commission.

Robert Pascarelli,

Chief, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–08639 Filed 4–15–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–033; NRC–2008–0566]

DTE Electric Company; Fermi 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Combined license application; availability.

SUMMARY: On September 18, 2008, the U.S. Nuclear Regulatory Commission (NRC) received an application for a combined license (COL) submitted by Detroit Edison Company. The NRC published a notice of receipt and availability for an application for a COL in the **Federal Register** on October 17, 2008. In a letter dated December 21, 2013, the Detroit Edison Company notified the NRC that, effective January 1, 2013, the name of the company would be changed to ''DTE Electric Company.'' This notice is being published to make available to the public the application for a COL submitted by DTE Electric Company (Formerly the Detroit Edison Company). This is the second of four notices related to this action that will be published in the **Federal Register.** The first notice was published on April 9, 2014.

ADDRESSES: Please refer to Docket ID NRC–2008–0566 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–2008–0566. 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 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 application for a combined license submitted by Detroit Edison Company and the letter notifying the NRC of the name change are available in ADAMS

under Accession Nos. ML082730763 and ML12361A437.

• *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: Adrian Muñiz, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4093, email: *Adrian.Muniz@nrc.gov.*

SUPPLEMENTARY INFORMATION: On September 18, 2008, Detroit Edison Company (renamed DTE Electric Company as of January 1, 2013) filed with the NRC, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and Part 52 of Title 10 of the *Code of Federal* Regulations (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' an application for a COL for an economic simplified boiling-water reactor designated as Fermi 3 in Monroe County, Michigan. The NRC published a notice of receipt and availability for an application for a COL in the **Federal Register** on October 17, 2008 (73 FRN 61916). The application is currently under review by the NRC staff. On December 21, 2012, the Detroit Edison company sent the NRC a letter indicating that, effective January 1, 2013, the name of the company would be changed to ''DTE Electric Company.''

An applicant may seek a COL in accordance with Subpart C of 10 CFR Part 52. The information submitted by the applicant includes certain administrative information, such as financial qualifications submitted pursuant to 10 CFR 52.77, as well as technical information submitted pursuant to 10 CFR 52.79. This notice is being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

A copy of the application is available for public inspection at the NRC's PDR, and online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* The application is also available at *http://www.nrc.gov/reactors/new-reactors/col.html.* Additional information about accessing the application and other publicly available documents related to the application, including revisions filed after the initial submission, are provided in the **ADDRESSES** section of this document.

Dated at Rockville, Maryland, this 7th day of April 2014.

For the Nuclear Regulatory Commission

Ronaldo Jenkins,

Chief, Licensing Branch 3, Division of New Reactor Licensing, Office of New Reactor.

[FR Doc. 2014–08545 Filed 4–15–14; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Cancellation of Upcoming Meeting

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Federal Prevailing Rate Advisory Committee is issuing this notice to cancel the September 18, 2014, public meeting scheduled to be held in Room 5A06A, U.S. Office of Personnel Management Building, 1900 E Street NW., Washington, DC. The original **Federal Register** notice announcing this meeting was published Thursday, November 26, 2013, at 78 FR 70599.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, 202–606–2838, or email *pay-leave-policy@opm.gov.*

U.S. Office of Personnel Management.

Sheldon Friedman,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 2014–08568 Filed 4–15–14; 8:45 am]

BILLING CODE 6325–49–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71927; File No. SR–FINRA–2013–039]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Clarify How Certain Securities Are Classified and Reported to FINRA

April 10, 2014.

I. Introduction

On September 16, 2013, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to clarify how certain securities are classified and reported to FINRA. The proposed rule change was published for comment in the **Federal Register** on September 30, 2013.[3] The Commission received two comments on the Original Proposal.[4] On November 12, 2013, FINRA granted the Commission an extension of time to act on the proposal until December 29, 2013.

On December 24, 2013, the Commission instituted proceedings to determine whether to disapprove the proposed rule change.[5] On February 12, 2014, FINRA submitted Amendment No. 1 to respond to the comments and amend the proposed rule change, which the Commission published for comment in the **Federal Register** on March 5, 2014.[6] In response to the Order Instituting Proceedings and the Notice of Amendment No. 1, the Commission received one additional comment letter on the proposal.[7] On March 27, 2014, the Commission extended to May 28, 2014, the period for Commission action to determine whether to disapprove the proposed rule change, as modified by Amendment No. 1.[8]

This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Original Proposal

FINRA's rules generally require that members report over-the-counter (''OTC'') transactions in eligible debt and equity securities to a trade reporting system operated by FINRA. FINRA Rule 6622 requires that members report transactions in OTC Equity Securities [9] to the OTC Reporting Facility (''ORF''), and the Rule 6700 Series requires members to report transactions in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 70482 (September 23, 2013), 78 FR 59995 (September 30, 2013) (''Original Proposal'').

[4] *See* Letters to the Commission from Sean Davy, Managing Director, Capital Markets, SIFMA, dated October 21, 2013 (''SIFMA Letter''); and Manisha Kimmel, Executive Director, Financial Information Forum, dated October 31, 2013 (''FIF Letter'').

[5] *See* Securities Exchange Act Release No. 71180 (December 24, 2013), 78 FR 79716 (December 31, 2013) (''Order Instituting Proceedings'').

[6] *See* Securities Exchange Act Release No. 71629 (February 27, 2014), 79 FR 12541 (March 5, 2014) (''Notice of Amendment No. 1'').

[7] *See* Letter to the Commission from Sean Davy, Managing Director, Capital Markets, SIFMA, dated March 14, 2014 (''SIFMA Letter II'').

[8] *See* Securities Exchange Act Release No. 71819 (March 27, 2014), 79 FR 18591 (April 2, 2014).

[9] FINRA Rule 6420(f) defines ''OTC Equity Security'' to include ''any equity security that is not an 'NMS stock' as that term is defined in Rule 600(b)(47) of SEC Regulation NMS; provided, however, that the term 'OTC Equity Security' shall not include any Restricted Equity Security.'' FINRA Rule 6420(k) defines ''Restricted Equity Security'' to mean ''any equity security that meets the definition of 'restricted security' as contained in Securities Act Rule 144(a)(3).''

TRACE-Eligible Securities [10] to the Trade Reporting and Compliance Engine (''TRACE'').

The Original Proposal was designed to clarify how members are required to report two classes of securities—''depositary shares'' and ''capital trust'' (or ''trust preferred'') securities—under these rules. Both classes are ''hybrid'' securities, in that each has debt- and equity-like features. According to FINRA, such hybrid securities are frequently designed to straddle both classifications for a variety of purposes, including the tax treatment applicable to issuers and recipients when distributions are made (or not made) to holders of the security, and the treatment of the principal as capital for issuers subject to capital requirements.[11] In the Original Proposal, FINRA stated that it had received requests for guidance whether such hybrid securities should appropriately be classified as equities, and thus reported to ORF, or debt securities, and thus reported to TRACE.

FINRA thus proposed to classify depositary shares, when not listed on an equity facility of a national securities exchange,[12] as OTC Equity Securities under FINRA Rule 6420(f). As such, depositary shares would be reportable to ORF in accordance with ORF requirements. FINRA took the view that depositary shares generally are securities that represent a fractional interest in a share of preferred stock, and preferred stocks are considered equity securities. FINRA noted further that depositary shares generally entitle the holder, through the depositary, to a proportional fractional interest in the rights, powers, and preferences of the preferred stock represented by the depositary share.[13]

With respect to capital trust (or trust preferred) securities, FINRA proposed to include such securities within the definition of ''TRACE-Eligible Security'' under FINRA Rule 6710(a). Thus, members would be required to report transactions in such securities to TRACE according to applicable TRACE reporting requirements. For example, members would be required to report price as a percentage of par value, and volume as the total par value of the transaction (not the number of bonds traded).[14]

FINRA stated that the proposed interpretation would apply only on a prospective basis. It would not require FINRA members to review old trades and cancel and re-report those trades if they had been reported contrary to the terms of the proposal. If the proposal became effective, FINRA members would be required to cancel and re-report trades that occurred after the date of the proposal's effectiveness only if those trades had been reported incorrectly.[15]

III. Comments on the Original Proposal, FINRA's Response, and Amendment No. 1

Summary of Comments. As noted above, the Commission received two comment letters on the Original Proposal.[16] Both comments expressed concern with FINRA's proposed guidance regarding trade reporting of hybrid securities, and argued that hybrid securities currently being reported to TRACE should continue to be reported to TRACE. One of the commenters stated, in particular, that investors evaluate hybrid securities, including depositary shares, based upon their fixed income attributes. According to this commenter, depositary shares with a par value of $1,000 have historically been traded and settled with a debt convention, meaning on the basis of yield and credit quality rather than on the potential for capital appreciation.[17] This commenter supported the current market practice of treating depositary shares with $1,000 par value or greater as debt securities. The commenter believed that the proposed interpretation could dampen the secondary market by creating investor confusion or rendering the securities ineligible for inclusion in fixed income indices.[18]

Both commenters argued that it would be difficult for market participants to adapt their systems to comply with the proposed reclassification of depositary shares as ORF-eligible. One commenter noted that the data fields captured by FINRA's ORF are different than those captured by TRACE.[19] The second commenter stated that many firms have separate trading, operations, and technology architecture for equities and debt that is tailored to the order lifecycle of each type of instrument,[20] and argued that the costs of implementing the new guidance may not justify the benefits.[21]

One of the commenters also believed that the proposed guidance ''fail[ed] to capture the entire hybrid preferred universe,'' [22] and therefore offered a formulation of the guidance that it believed would more thoroughly define the criteria by which a security would be classified as reportable to ORF or TRACE.[23]

FINRA's Response to Commenters and Amendment No. 1. FINRA acknowledged that the appropriate classification of hybrid securities is a complex analysis and agreed with the commenters that hybrid securities—in particular, securities with a liquidation preference of $1,000 or more—have significant debt-like characteristics. FINRA stated that it had further discussions about the proposal with several institutional investors who, in general, agreed with the concerns raised by the commenters.[24]

Therefore, in Amendment No. 1, FINRA modified the proposed interpretation to provide that, in addition to capital trust and trust preferred securities, the term ''TRACE-Eligible Security'' would include: (1) A depositary share having a liquidation preference of $1,000 or more (or a cash redemption price of $1,000 or more) that is a fractional interest in a non-convertible,[25] preferred security and is not listed on an equity facility of a national securities exchange (''hybrid $1,000 depositary share''); and (2) a non-convertible, preferred security having a liquidation preference of $1,000 or more (or a cash redemption price of $1,000 or more) that is not listed on an equity facility of a national securities exchange (''hybrid $1,000 preferred security''), such as a hybrid $1,000 preferred security that is offered directly to an investor or a preferred security underlying multiple hybrid $1,000 depositary shares. Any such

[10] FINRA Rule 6710(a) defines ''TRACE-Eligible Security'' to include ''a debt security that is United States ('U.S.') dollar-denominated and issued by a U.S. or foreign private issuer, and, if a 'restricted security' as defined in Securities Act Rule 144(a)(3), sold pursuant to Securities Act Rule 144A.''

[11] *See* Original Proposal, 78 FR 59996.

[12] For purposes of the proposed rule change, the term ''listed on an equity facility of a national securities exchange'' would mean a security that qualifies as an NMS stock (as defined in Rule 600(b)(47) of Regulation NMS) as distinguished from a security that is listed on a bond facility of a national securities exchange.

[13] *See* Original Proposal, 78 FR 59996.

[14] *See* FINRA Rule 6730.

[15] *See* Original Proposal, 78 FR 59996–97.

[16] *See supra* note 4.

[17] *See* SIFMA Letter at 6. *See also* FIF Letter at 1 (stating generally that the depositary shares ''are traded as fixed income securities'').

[18] *See* SIFMA Letter at 5.

[19] For example, ORF collects for each transaction the price per share and number of shares traded. It does not have a data field for an accrued coupon or dividend, information captured as part of debt transactions reported to TRACE. *See id.* at 7.

[20] *See* FIF Letter at 1–2. This commenter also listed a number of other potential effects of the proposed interpretation. *See id.* at 2–3.

[21] *See id.* at 3.

[22] SIFMA Letter at 11.

[23] *See id.* at 12.

[24] *See* Notice of Amendment No. 1, 79 FR 12543.

[25] ''Non-convertible'' means not convertible into or exchangeable for property or shares of any other series or class of the issuer's capital stock. *See* Notice of Amendment No. 1, 79 FR 12543, n. 17.

security deemed as a TRACE-Eligible Security would be excluded from the term ''OTC Equity Security.'' [26]

FINRA did not modify the proposed interpretation regarding the treatment of capital trust securities and trust preferred securities. Thus, the term ''TRACE-Eligible Security'' would include a capital trust security and a trust preferred security (other than a capital trust security or a trust preferred security that is listed on an equity facility of a national securities exchange), and transactions in such securities must be reported to TRACE (and not to ORF) in compliance with the applicable reporting requirements. This interpretation would apply even if the capital trust security (or a trust preferred security) was previously listed on an equity facility of a national securities exchange but has since been delisted. Once delisted, the security must be reported to TRACE.[27] All other preferred securities and depositary shares representing fractional interests in such securities—except the hybrid securities identified above: hybrid $1,000 preferred securities and hybrid $1,000 depositary shares—would continue to be included in the term ''OTC Equity Security,'' and members must report transactions in such securities to ORF.[28]

In light of the amended interpretation, FINRA determined not to extend the implementation date beyond the originally proposed maximum of 150 days following Commission approval. FINRA believes that members will be able to comply within such timeframe because the amended interpretation largely follows current market practice.[29] Therefore, as of the date of implementation, affected securities will be transferred, if necessary, for reporting to the appropriate trade reporting facility, and after this transfer members must report all transactions in such securities to the appropriate trade reporting facility.

Comment on Amendment No. 1. The Commission received one comment letter in response to Amendment No. 1.[30] The commenter supported the proposed revisions and believed that the amended interpretation would prevent investor confusion by allowing hybrid $1,000 depositary shares and hybrid $1,000 preferred securities to be reported to TRACE. The commenter stated that the amended interpretation ''appropriately preserves the established market practice for these securities and achieves investor protection goals consistent with the debt-like nature of the security, without being unduly burdensome.'' [31]

V. Discussion

After carefully considering the proposed rule change, as modified by Amendment No. 1, the comments submitted, and FINRA's response to the comments, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.[32] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 15A(b)(6) of the Act,[33] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The Commission believes that it is reasonable and consistent with the Act for FINRA to provide guidance as to whether particular hybrid securities should, for purposes of FINRA's trade reporting rules, be deemed debt securities, and thus TRACE-eligible, or equity securities, and thus reportable to an equity trade reporting facility. Although such securities may have both debt and equity features, the Commission believes that it is appropriate for FINRA to seek to address the confusion about how to report such securities by having all transactions in a particular type of hybrid security reported to the same facility. This approach is reasonably designed to promote transparency, as all trade reports of the same hybrid security discussed in the proposal should now be reported to and disseminated by the same trade reporting facility, instead of appearing on different facilities in different formats. Furthermore, the Commission believes that, in the absence of a compelling regulatory reason to require hybrid securities to be reported to an equity trade reporting facility such as the ORF, it is consistent with the Act for FINRA to permit its members to continue using existing infrastructure to report the hybrid securities in question to TRACE.

VII. Conclusion

It is therefore ordered pursuant to Section 19(b)(2) of the Act [34] that the proposed rule change (SR–FINRA–2013–039), as modified by Amendment No. 1, be and hereby is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–08585 Filed 4–15–14; 8:45 am]

BILLING CODE 8011–01–P

[26] *See* Notice of Amendment No. 1, 79 FR 12543.

[27] *See id.* at n. 18.

[28] For example, a non-convertible preferred security having a par value or liquidation preference of $25 that is not listed on an equity facility of a national securities exchange would be an OTC Equity Security under the interpretation and would be required to be reported to ORF. *See* 79 FR 12543.

[29] *See id.*

[30] *See supra* note 7.

[31] SIFMA Letter II at 2.

[32] In approving this proposed rule change, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[33] 15 U.S.C. 78o–3(b)(6).

[34] 15 U.S.C. 78s(b)(2).

[35] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB)

Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

(SSA)

Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov.*

The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of

this notice. To be sure we consider your comments, we must receive them no later than June 16, 2014. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *Letter to Landlord Requesting Rental Information—20 CFR 416.1130(b)—0960–0454.* SSA uses Form SSA–L5061 to obtain rental subsidy information, which enables SSA to determine and verify an income value for such subsidies. SSA uses this income value as part of determining eligibility for Supplemental Security Income (SSI) and the correct amount of SSI payable to the claimant. SSA bases an individual's eligibility for SSI payments, in part, on the amount of countable income the individual receives. Income includes in-kind support and maintenance in the form of room or rent, such as a subsidized rental arrangement. SSA requires claimants to assist in obtaining this information to prevent a delay or overpayment with their SSI payments. We collect this information only if the SSI applicant or recipient is the parent or child of the landlord (respondent). For most respondents, we collect this information once per year or less, via telephone or face-to-face personal interview. The claims representative records the information in our Modernized SSI Claims System (MSSICS), and we require verbal attestation in lieu of a wet signature. However, if the claims representative is unable to contact the respondent via the telephone or face-to face, we print and mail a paper form to the respondent for completion. The respondent completes, signs, and returns the form to the claims representative. Upon receipt, the claims representative documents the information in MSSICS or, for non-MSSICS cases, faxes the form into the appropriate electronic folder and shreds the paper form. The respondents are landlords who are related to the SSI beneficiaries as a parent or child.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–L5061	72,000	1	10	12,000

2. *Social Security's Public Credentialing and Authentication Process—20 CFR 401.45 and 402—0960–0789.*

Background

Authentication is the foundation for secure, online transactions. Identity authentication is the process of determining, with confidence, that someone is who he or she claims to be during a remote, automated session. It comprises three distinct factors: something you know, something you have, and something you are. Single-factor authentication uses one of the factors, and multi-factor authentication uses two or more of the factors.

SSA's Public Credentialing and Authentication Process

SSA offers consistent authentication across SSA's secured online services. We allow our users to request and maintain only one User ID, consisting of a self-selected username and password, to access multiple Social Security electronic services. Designed in accordance with the OMB Memorandum M–04–04 and the National Institute of Standards and Technology (NIST) Special Publication 800–63, this process provides the means of authenticating users of our secured electronic services and streamlines access to those services.

SSA's public credentialing and authentication process:

- Issues a single User ID to anyone who wants to do business with the agency;
- Offers authentication options that meet the changing needs of the public;
- Partners with an external data service provider to help us verify the identity of our online customers;
- Complies with relevant standards;
- Offers access to some of SSA's heaviest, but more sensitive, workloads online while providing a high level of confidence in the identity of the person requesting access to these services;
- Offers an in-person process for those who are uncomfortable with or unable to use the Internet process;
- Balances security with ease of use; and
- Provides a user-friendly way for the public to conduct extended business with us online instead of visiting local servicing offices or requesting information over the phone. Individuals have real-time access to their Social Security information in a safe and secure web environment.

Public Credentialing and Authentication Process Features

We collect and maintain the users' personally identifiable information (PII) in our Central Repository of Electronic Authentication Data Master File Privacy Act system of records that we published in the **Federal Register** (75 FR 79065). The PII may include the users' name, address, date of birth, Social Security number (SSN), phone number, and other types of identity information [e.g., address information of persons from the W–2 and Schedule Self Employed forms we receive electronically for our programmatic purposes as permitted by 26 U.S.C. 6103(l)(1)(A)]. We may also collect knowledge-based authentication data, which is information users establish with us or that we already maintain in our existing Privacy Act systems of records.

We retain the data necessary to administer and maintain our e-Authentication infrastructure. This includes management and profile information, such as blocked accounts, failed access data, effective date of passwords, and other data that allows us to evaluate the system's effectiveness. The data we maintain also may include archived transaction data and historical data.

We use the information from this collection to identity proof and authenticate our users online and to allow them access to their personal information from our records. We also use this information to provide second factor authentication. We are committed to expanding and improving this process so we can grant access to additional online services in the future.

Offering online services is not only an important part of meeting SSA's goals, but is vital to good public service. In increasing numbers, the public expects to conduct complex business over the Internet. Ensuring that SSA's online services are both secure and user-friendly is our priority.

With the limited data we have, it is difficult for SSA to meet the OMB and NIST authentication guidelines for identity proofing the public. Therefore, we awarded a competitively bid contract to an external data service

provider, Experian,[1] to help us verify the identity of our online customers. We use this external data service (EDS), in addition to our other authentication methods, to help us prove, or verify, the identity of our customers when they are completing online/electronic transactions with us.

Social Security's Authentication Strategy

We remain committed to enhancing our online services using authentication processes that balance usability and security. We will continue to research and develop new authentication tools while monitoring the emerging threats.

The following are key components of our authentication strategy:

• *Enrollment and Identity Verification*—We collect identifying data and use SSA and EDS records to verify an individual's identity. Individuals have the option of obtaining an enhanced, stronger, User ID by providing certain financial information (e.g., Medicare wages, self-employed earnings, direct deposit amount, or the last eight digits of a credit card number) for verification. We also ask individuals to answer out-of-wallet questions so we can further verify their identities. Individuals who are unable to complete the process online can present identification at a field office to obtain a User ID.

• *Establishing the User Profile*—The individual self-selects a username and password, both of which can be of variable length and alphanumeric. We provide a password strength indicator to help the individual select a strong password. We also ask the individual to choose challenge questions for use in restoring a lost or forgotten username or password.

• *Enhancing the User ID*—If an individual opts to enhance or upgrade the User IDs, we mail a one-time-use upgrade code to the individual's verified residential address. When the individual receives the upgrade code in the mail, he or she can enter this code online to enhance the security of the account. At this time, we also ask the individual to enter a cell phone number. We send an initial text message to that number and require the individual to confirm its receipt. We send a text message to that number each time the individual signs in, subsequently.

• *Login and Use*—Standard authentication provides an individual with a User ID for access to most online applications. Enhanced authentication uses the standard User ID along with a one-time code sent to the individual's cell phone, via text message, to create a more secure session, and to grant access to certain sensitive Social Security services. An individual who forgets the password can reset it automatically without contacting SSA. The enrollment process is a one-time only activity for the respondents. After the respondents enroll and choose their User ID (username & password), they have to sign in with their User ID every time they want to access Social Security's secured online services.

SSA requires the individual to agree to the ''Terms of Service'' detailed on our Web site before we allow him or her to begin the enrollment process. The ''Terms of Service'' informs individuals what we will and will not do with their personal information and the privacy and security protections we provide on all data we collect. These terms also detail the consequences of misusing this service.

In order to verify the individual's identity, we ask the individual to give us minimal personal information, which may include:

• Name;
• SSN;
• Date of birth;
• Address—mailing and residential;
• Telephone number;
• Email address;
• Financial information;
• Cell phone number; and
• Selecting and answering password reset questions.

We send a subset of this information to the EDS, who then generates a series of out-of-wallet questions back to the individual. The individual must answer all or most of the questions correctly before continuing in the process. The exact questions generated are unique to each individual.

This collection of information, or a subset of it, is mandatory for respondents who want to do business with SSA via the Internet. We collect this information via the Internet, on SSA's public-facing Web site. We also offer an in-person identification verification process for individuals who cannot, or are not willing to register online. For this process, the individual must go to a local SSA field office and provide identifying information. We do not ask for financial information with the in-person process.

We only collect the identity verification information one time, when the individual registers for a credential. We ask for the User ID (username and password) every time an individual signs in to our automated services. If individuals opt for the enhanced or upgraded account, they also receive a text message on their cell phones (this serves as the second factor for authentication) each time they sign in.

The respondents are individuals who choose to use the Internet or Automated Telephone Response System to conduct business with SSA.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Total annual burden hours (hours)
Internet Requestors	38,251,877	1	8	5,100,250
In-Person (Intranet) Requestors	1,370,633	1	8	182,751
Totals	39,622,510			5,283,001

[1] Experian is a global information services company. Experian's decisional solutions enable Social Security to manage and optimize risk as well as prevent, detect, and reduce fraud.

Dated: April 10, 2014.

Faye Lipsky,

Reports Clearance Director, Social Security Administration.

[FR Doc. 2014–08578 Filed 4–15–14; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law (Pub. L.) 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections and one new information collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB)

Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*.

(SSA)

Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*.

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than June 16, 2014. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *National Beneficiary Survey—0960–NEW.* SSA is proposing to undertake the National Beneficiary Survey (NBS), a survey intended to gather data from Supplemental Security Income (SSI) recipients and Social Security Disability Insurance (SSDI) beneficiaries about their characteristics, their well-being, and other factors that promote or hinder employment. In particular, the survey seeks to uncover important information about the factors that promote beneficiary self-sufficiency and, conversely, factors that impede beneficiary efforts to maintain employment. We will use this data to improve the administration and effectiveness of the SSDI and SSI programs. These results will be valuable as SSA and other policymakers continue efforts to improve programs and services that help SSDI beneficiaries and SSI recipients become more self-sufficient.

Background

SSDI and SSI programs provide a crucial and necessary safety net for working-age people with disabilities. By improving employment outcomes for SSDI beneficiaries and SSI recipients, SSA supports the effort to reduce the reliance of people with disabilities on these programs. SSA conducted the prior NBS in 2004, 2005, 2006, and 2010, and was an important first step in understanding the work interest and experiences of SSI recipients and SSDI beneficiaries, and in gaining information about their impairments, health, living arrangements, family structure, pre-disability occupation, and use of non-SSA programs (e.g., the Supplemental Nutrition Assistance Program). The prior NBS data is available to researchers and the public.

The National Beneficiary Survey (NBS)

The primary purpose of the new NBS-General Waves is to assess beneficiary well-being and interest in work, learn about beneficiary work experiences (successful and unsuccessful), and identify factors that promote or restrict long-term work success. Information collected in the survey includes factors such as health, living arrangements, family structure, current occupation, use of non-SSA programs, knowledge of SSDI and SSI work incentive programs, obstacles to work, and beneficiary interest and motivation to return to work.

We propose to conduct the first wave of the NBS-General Waves in 2015. We will further conduct subsequent rounds in 2017 (round 2) and 2019 (round 3). The information we will collect is not available from SSA administrative data or other sources. In the NBS-General Waves, the sample design is similar to what we used for the prior NBS. Enhancement of the prior questionnaire includes additional questions on the factors that promote or hinder employment success. We also propose to conduct semi-structured qualitative interviews (in 2015 only) to provide SSA an in-depth understanding of factors that aid or inhibit individuals in their efforts to obtain and retain employment and advance in the workplace. We will use the qualitative data to add context and understanding when interpreting survey results, and to inform the sample and survey design of rounds 2 and 3.

Respondents are current SSDI beneficiaries and SSI recipients. Respondent participation in the NBS is voluntary and the decision to participate or not has no impact on current or future receipt of payments or benefits.

Type of Request: This is a new information collection request.

Administration year	Number of respondents	Frequency of response	Average burden per response (hours)	Estimated total annual burden (hours)
2015				
Cross-Sectional Samples:				
Representative Beneficiary Sample	4,000	1	.75	3,000
Successful Worker Qualitative Interviews	90	1	1.00	90
Subtotal				3,090
2017				
Cross-Sectional Samples:				
Representative Beneficiary Sample	4,000	1	.75	3,000
Successful Workers	4,500	1	.92	4,140
Subtotal				7,140

Administration year	Number of respondents	Frequency of response	Average burden per response (hours)	Estimated total annual burden (hours)
2019				
Cross-Sectional Samples:				
Representative Beneficiary Sample	4,000	1	.75	3,000
Successful Workers	3,000	1	.92	2,760
Longitudinal Samples:				
Successful Workers	2,250	1	.75	1,688
Subtotal				7,448
Total Burden	26,550			17,678

2. *Marriage Certification—20 CFR 404.725—0960–0009.* Sections 202(b) and 202(c) of the Social Security Act (Act) stipulate that every spouse of an individual entitled to Old-Age, Survivors, and Disability Insurance (OASDI) benefits is entitled to a spouse benefit if the wife or husband, in addition to meeting the entitlement requirements, meets the relationship criteria in Section 216(h)(1)(A) and (B). SSA uses Form SSA–3 to determine if a spouse claimant has the necessary relationship to the Social Security number holder (i.e., the worker) to qualify for the worker's OASDI benefits. The respondents are applicants for spouse's OASDI benefits.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–3	180,000	1	5	15,000

3. *Supplemental Security Income (SSI)—Quality Review Case Analysis—0960–0133.* To assess the SSI program and ensure the accuracy of payments, SSA conducts legally mandated periodic SSI case analysis quality reviews. SSA uses Form SSA–8508–BK to conduct these reviews, collecting information on operating efficiency, the quality of underlying policies, and the effect of incorrect payments. SSA also uses the data to determine SSI program payment accuracy rate, which is a performance measure for the agency's service delivery goals. Respondents are recipients of SSI payments selected for quality reviews.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–8508–BK (paper interview)	225	1	60	225
SSA–8508–BK (electronic)	4,275	1	60	4,275
Total	4,500			4,500

4. *Claimant's Work Background—20 CFR 404.1512(a); 404.1520(a)(4); 404.1565(b); 416.912(a); 416.920(a)(4); 416.965(b)—0960–0300.* Sections 205(a) and 1631(e) of the Act provide the Commissioner of Social Security with the authority to establish procedures for determining if a claimant is entitled to disability benefits. The administrative law judge (ALJ) may ask individuals to provide background information on Form HA–4633 about work they performed in the past 15 years. When a claimant requests a hearing before an ALJ to establish an entitlement to disability benefits, the ALJ may request that the claimant provide a work history to assist the ALJ in fully inquiring into statutory issues related to the disability. The ALJ uses the information collected from the claimants on Form HA–4633 to: (1) Identify the claimant's relevant work history; (2) decide if expert vocational testimony is required and, if so, have a vocational expert available to testify during the hearing; and (3) provide a reference for the ALJ to discuss the claimant's work history. The ALJ makes the completed HA–4633 part of the documentary evidence of record. The respondents are claimants for disability benefits under Title II or Title XVI who requested a hearing before an ALJ after SSA denied their application for disability payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HA–4633—PDF/paper version	20,000	1	15	5,000

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Electronic Records Express	180,000	1	15	45,000
Total	200,000			50,000

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding the information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than May 16, 2014. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. *Statement of Death by Funeral Director—20 CFR 404.715 and 404.720—0960–0142.* When an SSA-insured worker dies, the funeral director or funeral home responsible for the worker's burial or cremation completes Form SSA–721 and sends it to SSA. SSA uses this information for three purposes: (1) To establish proof of death for the insured worker; (2) to determine if the insured individual was receiving any pre-death benefits SSA needs to terminate; and (3) to ascertain which surviving family member is eligible for the lump-sum death payment or for other death benefits. The respondents are funeral directors who handled death arrangements for the insured individuals.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–721	319,811	1	4	21,321

2. *Medicare Income-Related Monthly Adjustment Amount—Life-Changing Event Form—0960–0784.* Federally mandated reductions in the Federal Medicare Part B and prescription drug coverage subsidies result in selected Medicare recipients paying higher premiums with income above a specific threshold. The amount of the premium subsidy reduction is an income-related monthly adjustment amount (IRMAA). The Internal Revenue Service (IRS) transmits income tax return data to SSA for SSA to determine the IRMAA. SSA uses the Form SSA–44 to determine if a recipient qualifies for a reduction in the IRMAA. If affected Medicare recipients believe SSA should use more recent tax data because of a life-changing event that significantly reduces their income, they can report these changes to SSA and ask for a new initial determination of their IRMAA. The respondents are Medicare Part B and prescription drug coverage recipients and enrollees with modified adjusted gross income over a high-income threshold who experience one of the eight significant life-changing events.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Personal Interview (SSA field office)	147,000	1	30	73,500
SSA–44 Paper Form	39,000	1	45	29,250
Totals	186,000			102,750

Dated: April 11, 2014.

Faye Lipsky,

Reports Clearance Director, Social Security Administration.

[FR Doc. 2014–08606 Filed 4–15–14; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 8697; Docket No. DOS–2014–0008]

Notice of Meeting of the Cultural Property Advisory Committee

There will be a meeting of the Cultural Property Advisory Committee June 2–4, 2014, at the U.S. Department of State, Annex 5, 2200 C Street NW., Washington, DC. Portions of this meeting will be closed to the public, as discussed below.

During the closed portion of the meeting, the Committee will begin its review of a new cultural property request from the Government of the Arab Republic of Egypt seeking import restrictions on archaeological and ethnological material [Docket No. DOS–2014–0008]. An open session to receive oral public comment on this request will be held on Monday, June 2, 2014, beginning at 12:00 p.m. EDT.

Also during the closed portion of the meeting, the Committee will conduct an interim review of the *Memorandum of Understanding Between the Government*

of the United States of America and the Government of the Republic of Nicaragua Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Hispanic Cultures of the Republic of Nicaragua. Public comment, oral and written, will be invited at a time in the future should this Memorandum of Understanding (MOU) be proposed for extension.

The Committee's responsibilities are carried out in accordance with provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.;* ''Act''). The text of the Act and MOU, as well as related information, may be found at *http://eca.state.gov/cultural-heritage-center.* If you wish to attend the open session on June 2, 2014, you should notify the Cultural Heritage Center of the Department of State at (202) 632–6301 no later than 5:00 p.m. (EDT) May 14, 2014, to arrange for admission. Seating is limited. When calling, please specify if you have special accommodation needs. The open session will be held at the Harry S Truman Building, 2201 C St NW., Washington, DC 20520 at 12:30 p.m. Please plan to arrive 30 minutes before the beginning of the open session.

If you wish to make an oral presentation at the open session, you must request to be scheduled by the above mentioned date and time, and you must submit a written text of your oral comments, ensuring that it is received no later than May 14, 2014, at 11:59 p.m. (EDT) via the eRulemaking Portal (see below), to allow time for distribution to committee members prior to the meeting. Presenters must present their own written comments. Oral presentations will be limited to five (5) minutes to allow time for questions from members of the Committee. All oral and written comments must relate specifically to the determinations under 19 U.S.C. 2602 of the Act, pursuant to which the Committee must make recommendations. This statute can be found at the Web site noted above.

If you do not wish to make oral comments but still wish to make your views known, you may send written comments for the Committee to consider. Again, your comments must relate specifically to the determinations under 19 U.S.C. 2602 of the Act. Submit all written materials electronically through the eRulemaking Portal (see below), ensuring that they are received no later than May 14, 2014 at 11:59 p.m. (EDT). Adoption of this procedure facilitates public participation; implements section 206 of the E-Government Act of 2002, Public Law 107–347, 116 Stat. 2915; and supports the Department of State's ''Greening Diplomacy'' initiative, which aims to reduce the State Department's environmental footprint and reduce costs.

Please submit comments only once using one of these methods:

- *Electronic Delivery.* To submit comments electronically, go to the Federal eRulemaking Portal (*http://www.regulations.gov*), enter the Docket No. DOS–2014–0008, and follow the prompts to submit a comment. Comments submitted in electronic form are not private. They will be posted on the site *http://www.regulations.gov.* Because the comments cannot be edited to remove any identifying or contact information, the Department of State cautions against including any information in an electronic submission that one does not want publicly disclosed (including trade secrets and commercial or financial information that is privileged or confidential pursuant to 19 U.S.C. 2605(i)(1)).
- *Regular Mail or Commercial Delivery.* If you wish to submit information that is privileged or confidential in your comments, pursuant to 19 U.S.C. 2605(i)(1), you may do so via regular mail or commercial delivery to the following address: Cultural Heritage Center (ECA/P/C), SA–5, Floor C2, U.S. Department of State, Washington, DC 20522–05C2. Only confidential comments will be accepted via those methods. Comments must be postmarked by May 14, 2014. For timely delivery, the use of commercial delivery is encouraged.
- *Hand Delivery.* For comments submitted in confidence only. They must be delivered to the following address by May 14, 2014: Cultural Heritage Center (ECA/P/C), U.S. Department of State, 2200 C Street NW., Washington, DC 20037.

As a general reminder, comments submitted by fax or email are not accepted. In the past, twenty copies of texts over five pages in length were requested. Please note that this is no longer necessary; all comments, other than confidential comments, should now be submitted via the eRulemaking Portal only.

The Department of State requests that any party soliciting or aggregating comments received from other persons for submission to the Department of State inform those persons that the Department of State will not edit their comments to remove any identifying or contact information, and that they therefore should not include any information in their comments that they do not want publicly disclosed.

As noted above, portions of the meeting will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h), the latter of which stipulates that ''The provisions of the Federal Advisory Committee Act shall apply to the Cultural Property Advisory Committee except that the requirements of subsections (a) and (b) of section 10 and 11 of such Act (relating to open meetings, public notice, public participation, and public availability of documents) shall not apply to the Committee, whenever and to the extent it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the government's negotiation objectives or bargaining positions on the negotiations of any agreement authorized by this chapter.'' Pursuant to law, Executive Order, and Delegation of Authority, I have made such a determination.

Personal information regarding attendees is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Dated: April 8, 2014.

Kelly Keiderling,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–08651 Filed 4–15–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8696]

Notice of Receipt of Cultural Property Request From the Government of the Arab Republic of Egypt

Egypt, concerned that its cultural heritage is in jeopardy from pillage, made a request to the Government of the United States under Article 9 of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The United States Department of State received this request in April 2014. Egypt's request seeks U.S. import restrictions on archaeological and

ethnological material from Egypt representing its prehistoric through Ottoman heritage.

The specific contents of this request are treated as confidential government-to-government information, consistent with applicable U.S. law.

Information about U.S. implementation of the 1970 UNESCO Convention can be found at *http://eca.state.gov/cultural-heritage-center.* A public summary of Egypt's request will be posted on that Web site.

Dated: April 8, 2014.

Kelly Keiderling,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–08657 Filed 4–15–14; 8:45 am]

BILLING CODE 4710–05–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES.**

DATES: January 1 through January 31, 2014.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 1306; fax: (717) 238–2436; email: *rcairo@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(f) for the time period specified above:

Approvals by Rule Issued Under 18 CFR 806.22(f):

1. SWEPI LP, Pad ID: Hickock 114, ABR–201401001, Canton Township, Bradford County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 2, 2014.

2. Cabot Oil & Gas Corporation, Pad ID: Heitsman P1, ABR–20090537.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 2, 2014.

3. Cabot Oil & Gas Corporation, Pad ID: Ratzel P1, ABR–20090539.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 2, 2014.

4. Cabot Oil & Gas Corporation, Pad ID: Gesford P1, ABR–20090547.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 2, 2014.

5. Cabot Oil & Gas Corporation, Pad ID: Rozanski P1, ABR–20090553.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 2, 2014.

6. Southwestern Energy Production Company, Pad ID: WY–01 Robinson Albert Tr Pad, ABR–201401002, Tunkhannock Township, Wyoming County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 3, 2014.

7. SWEPI LP, Pad ID: Brumwell 657 revised, ABR–201401003, Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 3, 2014.

8. WPX Energy Appalachia, LLC, Pad ID: Webster–1, ABR–20090401.R1, Franklin Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 6, 2014.

9. Anadarko E&P Onshore, LLC, Pad ID: COP Tract 653 (1001H), ABR–20090414.R1, Beech Creek Township, Clinton County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: January 7, 2014.

10. Anadarko E&P Onshore, LLC, Pad ID: COP Tract 653 (1002H), ABR–20090415.R1, Beech Creek Township, Clinton County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: January 7, 2014.

11. Anadarko E&P Onshore, LLC, Pad ID: Penn State Forest Tr 289 #1, ABR–20090409.R1, Mchenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 8, 2014.

12. WPX Energy Appalachia, LLC, Pad ID: Powers Pad Site, ABR–20090511.R1, Forest Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: January 14, 2014.

13. WPX Energy Appalachia, LLC, Pad ID: Ivey Pad Site, ABR–20090608.R1, Forest Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: January 14, 2014.

14. Anadarko E&P Onshore, LLC, Pad ID: C.O.P. Tract 231 (1000), ABR–20090406.R1, Boggs Township, Centre County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 21, 2014.

15. Cabot Oil & Gas Corporation, Pad ID: SquierR P1, ABR–201401004, Brooklyn and New Milford Townships, Susquehanna County, Pa.; Consumptive Use of Up to 4.250 mgd; Approval Date: January 24, 2014.

16. Southwestern Energy Production Company, Pad ID: WY 03 DK LUMBER PAD, ABR–201401005, Tunkhannock Township, Wyoming County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 24, 2014.

17. Chief Oil & Gas LLC, Pad ID: Rogers Drilling Pad, ABR–201401006, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.500 mgd; Approval Date: January 24, 2014.

18. Southwestern Energy Production Company, Pad ID: NR–15–HUGHES–PAD, ABR–201401007, Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 29, 2014.

19. Chesapeake Appalachia, LLC, Pad ID: Dingo, ABR–201401008, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.50 mgd; Approval Date: January 29, 2014.

20. Southwestern Energy Production Company, Pad ID: WY 04 DIMMING PAD, ABR–201401009, Forkston Township, Wyoming County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 29, 2014.

21. Southwestern Energy Production Company, Pad ID: NR–18–OAK RIDGE–PAD, ABR–201401010, Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 29, 2014.

22. Talisman Energy USA, Pad ID: Klein R, ABR–20090810.R1, Armenia Township, Bradford County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: January 29, 2014.

23. Talisman Energy USA, Pad ID: DCNR 587 Pad #2, ABR–20090811.R1, Ward Township, Tioga County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: January 29, 2014.

24. Talisman Energy USA, Pad ID: DCNR 587 Pad #4, ABR–20090812.R1, Ward Township, Tioga County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: January 29, 2014.

Authority: Pub. L. 91–575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: April 9, 2014.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2014–08599 Filed 4–15–14; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST—2014–0011]

National Freight Advisory Committee: Notice of Public Webinar Meeting

ACTION: Notice of Public Meeting.

SUMMARY: The U.S. Department of Transportation (Department or DOT) announces a public meeting of its National Freight Advisory Committee (NFAC) to finalize recommendations for the Department to consider in its development of the National Freight Strategic Plan (Plan). This meeting is a continuation of the conversation from the meeting held on March 25–26 in Washington, DC.

Date, Time and Location: The meeting will take place online, as a webinar, on Tuesday, April 29, 2014, from 1:00 p.m. to 5:00 p.m., Eastern Standard Time.

FOR FURTHER INFORMATION CONTACT: Tretha Chromey, Designated Federal Officer at (202) 366–1999 or *freight@dot.gov* or visit the NFAC Web site at *www.dot.gov/nfac.*

Additional Information:

Background: The NFAC was established to provide advice and recommendations to the Secretary on matters related to freight transportation in the United States, including (1) implementation of the freight transportation requirements of the Moving Ahead for Progress in the 21st Century Act (MAP–21; Pub. L. 112–141); (2) establishment of the National Freight Network; (3) development of the Plan; (4) development of strategies to help States implement State Freight Advisory Committees and State Freight Plans; (5) development of measures of conditions and performance in freight transportation; (6) development of freight transportation investment, data, and planning tools; and (7) legislative recommendations. The NFAC operates as a discretionary committee under the authority of the DOT, established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. See DOT's NFAC Web site for additional information about the committee's activities at *www.dot.gov/nfac.*

MAP–21 directs the DOT to develop the Plan in consultation with State department of transportations and other appropriate stakeholders. The Plan must include:

(A) An assessment of the condition and performance of the national freight network.

(B) An identification of highway bottlenecks on the national freight network that create significant freight congestion problems, based on a quantitative methodology developed by the Secretary, which shall, at a minimum, include—

(i) information from the Freight Analysis Network of the Federal Highway Administration; and

(ii) to the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented.

(C) Forecasts of freight volumes for the 20-year period beginning in the year during which the Plan is issued.

(D) An identification of major trade gateways and national freight corridors that connect major population centers, trade gateways, and other major freight generators for current and forecasted traffic and freight volumes, the identification of which shall be revised, as appropriate, in subsequent plans.

(E) An assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance (including opportunities for overcoming the barriers).

(F) An identification of routes providing access to energy exploration, development, installation, or production areas.

(G) Best practices for improving the performance of the national freight network.

(H) Best practices to mitigate the impacts of freight movement on communities.

(I) A process for addressing multistate projects and encouraging jurisdictions to collaborate.

(J) Strategies to improve freight intermodal connectivity.

The Plan serves as a document to outline a long-term strategy to implement the National freight policy. The goals of the National freight policy are related to economic competitiveness and efficiency; congestion; productivity; safety, security, and resilience of freight movement; infrastructure condition; use of advanced technology; performance, innovation, competition, and accountability in the operation and maintenance of the network; and environmental impacts. [23 U.S.C. 167]

On March 25–26, 2014 the NFAC members met to discuss proposed recommendations to the DOT on the following elements of the Plan:

- An assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance (including opportunities for overcoming the barriers);
- Best practices for improving the performance of the national freight network; and
- Best practices to mitigate the impacts of freight movement on communities.

The NFAC members discussed approximately seventy (70) of the nearly ninety (90) proposed recommendations. At the conclusion of this meeting, it was agreed that each of the six subcommittees would revise their proposed recommendations, resubmit to the DFO who would compile and redistribute to the NFAC members, and the NFAC members would reconvene at the end of the month to finalize the recommendations.

Agenda: The agenda will include: (1) Welcome and introductions; (2) overview of the meeting format; (3) remarks from the NFAC Chair and Vice Chair; (4) NFAC members discussion on final recommendations; and (5) adjournment.

Public Participation: To view the webinar meeting, members of the public must pre-register online at *https://connectdot.connectsolutions.com/NFAC042914/event/registration.html.* Interested persons may link to the webinar registration portal through *www.dot.gov/nafac* no later than April 28, 2014. Upon registration, information will be sent to you at the email address you provide to enable you to connect to the webinar. Should problems arise with webinar registration, contact Kirse Kelly at *ntchost@dot.gov* or 703–235–1324. [This is not a toll-free telephone number.] Note: Members of the public will be able to listen to and view the webinar as observers.

Written comments: As the April 29, 2014 meeting is being conducted as a webinar and is a continuation of the conversation from the meeting held on March 25–26 where public comment was taken, the Chair has determined that public comment will be accepted in writing only. Members of the public who wish to submit written comments for consideration by the Committee at this meeting must email *freight@dot.gov* or send them to Ms. Tretha Chromey, Designated Federal Officer, National Freight Advisory Committee, 1200 New Jersey Avenue SE., W82–320, Washington, DC 20590 by April 22, 2014 to provide sufficient time for review. All other comments may be received at any time before or after the meeting.

Dated: April 10, 2014.

Tretha Chromey,

Designated Federal Officer.

[FR Doc. 2014–08604 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

First Meeting: RTCA Special Committee 231, Special Committee 231 TAWS–GPWS

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

ACTION: Meeting Notice of RTCA Special Committee 231, TAWS–GPWS.

SUMMARY: The FAA is issuing this notice to advise the public of the first meeting of the RTCA Special Committee 231, TAWS- GPWS.

DATES: The meeting will be held May 28–29, 2014 from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA Headquarters, RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 213. The agenda will include the following:

May 28

- Welcome
- Administrative Remarks
- Agenda Review
- Introductions
- RTCA Process Overview
- FAA Presentation on the desire for a MOPS update
- SC–231 Scope and Terms of Reference review
- SC–231 Structure and Organization of Work
- Proposed Schedule
- RTCA workspace presentation
- Other Business
- Date and Place of Next Meeting
- Adjourn, Review of terms of reference
- Status of DO–342A and DO–315C Drafts
- Industry updates
- WG–1 DO–315C draft review

May 29

- Continuation of Plenary or Working Group Session

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting.

Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 9, 2014.

Paige Williams,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–08614 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice, Laredo International Airport, Laredo, Texas

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the City of Laredo for Laredo International Airport under the provisions of 49 U.S.C. 47501 et Seq. (Aviation Safety and Noise Abatement Act) and 14 CFR Part 150 are in compliance with applicable requirements.

DATES: *Effective Date:* The effective date of the FAA's determination on the noise exposure maps is April 9, 2014.

FOR FURTHER INFORMATION CONTACT: DOT/FAA Southwest Region, Dean McMath, Regional Environmental Team Leader, ASW–610, 2601 Meacham Boulevard, Fort Worth, Texas 76137. Telephone (817) 222–5617.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Laredo International Airport are in compliance with applicable requirements of Part 150, effective April 9, 2014. Under 49 U.S.C. 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the revised noise exposure maps and accompanying documentation submitted by the City of Laredo. The documentation that constitutes the ''noise exposure maps'' as defined in section 150.7 of Part 150 includes: Figure 4.4 Existing (2013) Noise Exposure Map (page 55) and Figure 5.2 Future (2019) Noise Exposure Map (page 69). The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on April 9, 2014.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the

statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations: Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, Texas and Mr. Jose L. Flores, Airport Director, Laredo International Airport, 5210 NE Bob Bullock Loop, Laredo, TX, 78041. Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Fort Worth, Texas, April 9, 2014.

Kelvin L. Solco,

Manager, Airports Division.

[FR Doc. 2014–08683 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–24]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before May 6, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0184 using any of the following methods:

- Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- Mail: Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- Fax: Fax comments to the Docket Management Facility at 202–493–2251.
- Hand Delivery: Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sandra K. Long (202) 267–4714, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on April 10, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0184.

Petitioners: Atlas Air, Inc., Kalitta Air LLC., Southern Air, Inc., and World Airways, Inc.

Section of 14 CFR Affected: 14 CFR 91.9(a), 91.1025(a), 121.135(a)(4), 121.135(b)(21), and 121.141.

Description of Relief Sought: The petitioners seek to operate their B–747 freighter aircraft transporting tall rigid cargo restrained to withstand a 3.0g (''3G'') forward load.

[FR Doc. 2014–08567 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2011–0141]

Unified Carrier Registration Plan Board of Directors; Request for Nominations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice Requesting Nominations From Among Chief Administrative Officers of State Agencies to the Board of Directors.

SUMMARY: The FMCSA solicits nominations and applications for appointment to the Board of Directors of the Unified Carrier Registration Plan (UCR Plan) of interested persons to serve as representatives of chief administrative officers of State agencies responsible for overseeing the Unified Carrier Registration Agreement (UCR Agreement). The Agency will appoint four members from such State agencies, one from each of FMCSA's four service areas. As authorized by 49 U.S.C. 14504a, the UCR Plan is responsible for the administration of the UCR Agreement. The UCR Agreement governs the registration and the collection and distribution of fees paid by for-hire and private motor carriers, brokers, freight forwarders, and leasing companies. The UCR Plan and Agreement replaced the Single State Registration System (SSRS), which was repealed as of January 1, 2008.

DATES: Nominations or expressions of interest for appointment to the Board of Directors must be received on or before May 1, 2014.

ADDRESSES: You may submit comments to this notice, identified by docket number FMCSA–2011–0141, by any of the following methods—Internet, facsimile, regular mail, or hand-delivery.

Federal eRulemaking Portal: Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov.* The FDMS is the preferred method for submitting comments, and we urge you to use it. In the ''Comment'' or ''Submission'' section, type Docket ID Number ''FMCSA–2011–0141'', select ''Go'', and then click on ''Send a Comment or Submission.'' You will receive a tracking number when you submit a comment.

Fax: 1–202–493–2251.

Mail, Courier, or Hand-Deliver: U.S. Department of Transportation, Docket Operations (M–30), West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

Docket: Comments and material received from the public, as well as background information and documents mentioned in this preamble, are part of docket FMCSA—2011 –0141, and are available for inspection and copying on the Internet at *http://www.regulations.gov.* You may also view and copy documents at the U.S.

Department of Transportation's Docket Operations Unit, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

Privacy Act: All comments will be posted without change including any personal information provided to the FDMS at *http://www.regulations.gov.* Anyone can search the electronic form of all our dockets in FDMS, by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). The Department of Transportation's (DOT) complete Privacy Act Systems of Records notice was published in the **Federal Register** on April 11, 2000 (65 FR 19476), and can be viewed at *http://docketsinfo.dot.gov.* Comments received after the comment closing date will be included in the docket, and we will consider late comments to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald Folsom, Office of Research and Information Technology, (202) 493–0337, FMCSA, Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590 or by email at: *gerald.folsom@dot.gov.*

Background

Section 4305(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) [Pub. L. 109–59, 119 Stat. 1144, August 10, 2005] enacted 49 U.S.C. 14504a entitled ''Unified carrier registration system plan and agreement.'' Under the UCR Agreement, motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies that are involved in interstate transportation register and pay certain fees. The UCR Plan's Board of Directors must issue rules and regulations to govern the UCR Agreement. Section 14504a(a)(9) defines the Unified Carrier Registration Plan as the organization of State, Federal, and industry representatives responsible for developing, implementing, and administering the UCRA. Section 14504a(d)(1)(B) directed the Secretary to establish a Unified Carrier Registration Plan Board of Directors made up of 15 members from FMCSA, State governments, and the motor carrier industry. The Board also must recommend initial annual fees to be assessed against carriers, leasing companies, brokers, and freight forwarders under the UCRA, as well as any annual adjustments to those fees. Section 14504a(d)(1)(B) provides that the UCR Plan's Board of Directors must consist of directors from the following groups:

Federal Motor Carrier Safety Administration: One director must be selected from each of the FMCSA four service areas (as defined by FMCSA on January 1, 2005) from among the chief administrative officers of the State agencies responsible for administering the UCRA.

State Agencies: The five directors selected to represent State agencies must be from among the professional staffs of State agencies responsible for overseeing the administration of the UCR Agreement.

Motor Carrier Industry: Five directors must be from the motor carrier industry. At least one of the five motor carrier industry directors must be from ''a national trade association representing the general motor carrier of property industry'' and one of them must be from ''a motor carrier that falls within the smallest fleet fee bracket.''

U.S. Department of Transportation (the Department): One individual, either the FMCSA Deputy Administrator or such other Presidential appointee from the Department appointed by the Secretary, represents the Department.

The establishment of the Board was announced in the **Federal Register** on May 12, 2006 (71 FR 27777). In that notice, the Agency recognized the American Trucking Associations, Inc. (ATA) as the national trade association representing the general motor carrier of property industry. ATA is a national affiliation of State trucking organizations representing the national, State and local interests of the 50 affiliated State trucking associations; and the interests of specialized areas of the trucking industry through conferences and councils. The Agency selected the Owner-Operator Independent Drivers Association (OOIDA) as the organization from which to appoint an individual to represent motor carriers comprising the smallest fleet fee bracket. OOIDA is a national trade association representing the interests of small trucking companies and drivers.

Each of the four current directors from the chief administrative officers of the State agencies responsible for overseeing the administration of the UCR Agreement are serving terms that expire on May 31, 2013. These directors may continue to serve until their replacements are appointed; each of them may be reappointed (49 U.S.C. 14504a(d)(1)(D)(iii) and (iv)). Today's publication serves as a notice requesting nominations for and public comment on possible appointment of the four members of the UCR Plan's Board of Directors to be appointed from the chief administrative officers of the responsible State agencies in accordance with 49 U.S.C. 14504a(d).

Board Member Nominations

FMCSA seeks either nominations of, or expressions of interest from, individuals to serve as members of the board of directors for the UCR Plan from the responsible State agencies. Nominations or expressions of interest should indicate that the person nominated or recommended meets the statutory requirements specified in 49 U.S.C. 14504a(d)(1)(B)(i).

Nominations or expressions of interest must be transmitted by means of the procedures for comments specified earlier in this notice. FMCSA and the Department will make the appointments for the four members from the responsible State agencies for three-year terms, expiring on May 31, 2017.

Issued under the authority delegated in 49 CFR 1.87: March 18, 2014.

G. Kelly Leone,

Associate Administrator, Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2014–08637 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0047]

NHTSA Activities Under the United Nations World Forum for the Harmonization of Vehicle Regulations 1998 Global Agreement

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of activities under the 1998 Global Agreement and request for comments.

SUMMARY: NHTSA is publishing this notice to inform the public of the upcoming scheduled meetings of the World Forum for the Harmonization of Vehicle Regulations (WP.29) and its Working Parties of Experts for calendar year 2014. It also provides the most recent status of activities under the Program of Work of the 1998 Global Agreement (to which the United States is a signatory Contracting Party) and requests comments on those activities. Publication of this information is in accordance with NHTSA's Statement of Policy regarding Agency Policy Goals and Public Participation in the Implementation of the 1998 Global

Agreement on Global Technical Regulations (GTR).

DATES: Comments to this notice must be received on or before May 16, 2014.

ADDRESSES: You may submit comments identified by Docket No. NHTSA–XXXX–XXXX by any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- Mail: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- Fax: 202–493–2251.

Instructions:

Public Participation

Comments must not exceed 15 pages in length (49 CFR part 553.21). Attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion. If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given in the **FOR FURTHER INFORMATION CONTACT** section, and two copies from which the purportedly confidential information has been deleted should be submitted to the docket. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512. All comments received before the close of business on the comment closing date indicated above for this document will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments on this document will be available for inspection in the docket. NHTSA will continue to file relevant information as it becomes available for inspection in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material. Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail. All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://DocketsInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Mr. Ezana Wondimneh, Chief, International Policy and Harmonization Division (NVS–133), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; Telephone: (202) 366–0846, fax (202) 493–2280.

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I. Background

On August 23, 2000, NHTSA published in the **Federal Register** (65 FR 51236) a statement of policy regarding the Agency's policy goals and public participation in the implementation of the 1998 Global Agreement, indicating that each calendar year the Agency would provide a list of scheduled meetings of the World Forum for the Harmonization of Vehicle Regulations (WP.29) and the Working Parties of Experts, as well as meetings of the Executive Committee of the 1998 Global Agreement (AC.3).[1] Further, the Agency stated that it would keep the public informed about the Agreement's Program of Work (i.e., subjects designated for Global Technical Regulation (GTR) development) and seek comment on those subjects on a regular basis. In keeping with the policy, NHTSA has notified the public about the status of activities under the 1998 Global Agreement and sought comments on various issues and proposals through a series of **Federal Register** notices published beginning July 2000.[2]

This notice provides the latest and current status of the Agency's activities at the World Forum for the Harmonization of Vehicle Regulations under the 1998 Global Agreement.

WP.29 and Its Working Parties of Experts

1. WP.29

WP.29 was established on June 6, 1952 as the Working Party on the Construction of Vehicles, a subsidiary body of the Inland Transport Committee (ITC) of the United Nations Economic Commission for Europe (UNECE). In March 2000, WP.29 became the ''World Forum for Harmonization of Vehicle Regulations (WP.29).'' The objective of the WP.29 is to initiate and pursue actions aimed at the worldwide harmonization or development of technical regulations for vehicles.[3] Providing uniform conditions for periodical technical inspections and strengthening economic relations worldwide, these regulations are aimed at:

—Improving vehicle safety;
—protecting the environment;
—promoting energy efficiency; and
—increasing anti-theft performance.

WP.29 currently administers three UNECE Agreements:

[1] This statement of policy is codified in Appendix C of Part 553 of Title 49 of the CFR.

[2] The relevant **Federal Register** notices include: 65 FR 44565, 66 FR 4893, 68 FR 5333, 69 FR 60460, 71 FR 59582, 73 FR 7803, 73 FR 8743, 73 FR 31914, 73 FR 5520, 77 FR 4618, and 78 FR 21191.

[3] For general information about WP.29, see the document, ''World Forum for Harmonization of Vehicle Regulations (WP.29)—How It Works, How to Join It,'' available at *http://www.unece.org/transport/resources/publications/publications.html.* (last accessed December 17, 2013).

1. UNECE 1958 Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts Which Can Be Fitted and/or Be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of These Prescriptions;

2. UNECE 1998 Agreement concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles.

3. UNECE 1997 Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections.

Four committees coordinate the activities of WP.29:

AC.1—Administrative Committee for 1958 Agreement
AC.2—Administrative Committee for the Coordination of Work
AC.3—Executive Committee for 1998 Agreement
AC.4—Administrative Committee for 1997 Agreement

AC.1, AC.3 and AC.4 are the Administrative/Executive Committees for the Agreements administered by WP.29, constituting all Contracting Parties of the respective Agreements.

The coordination of work of the World Forum is managed by a Steering Committee (AC.2) comprising the Chairperson and Secretariat of WP.29, the Chairpersons of the Executive Committees of the 1958, 1997, and 1998 Agreements administered by WP.29, the representatives of the European Community, Japan and the United States of America, and the Chairpersons of WP.29's subsidiary bodies (GRs or Working Parties). The duties of AC.2 are to develop and recommend to WP.29 a Program of Work, to review the reports and recommendations of WP.29's subsidiary bodies, to identify items that require action by WP.29 and the time frame for their consideration, and to provide recommendations to WP.29.

2. Working Parties of Experts

The permanent subsidiary bodies of WP.29, also known as GRs (Groups of Rapporteurs), assist the World Forum for Harmonization of Vehicle Regulations in researching, analyzing and developing requirements for technical regulations in the areas of their expertise. There are six subsidiary bodies:

Working Party on Lighting and Light-Signaling (GRE)
Working Party on Brakes and Running Gear (GRRF)
Working Party on Passive Safety (GRSP)
Working Party on General Safety Provisions (GRSG)
Working Party on Pollution and Energy (GRPE)
Working Party on Noise (GRB)

Each subsidiary body consists of persons whose expertise is relevant to the area covered by the body. All proposals for new regulations or amendments to existing regulations are referred by the World Forum to its relevant subsidiary bodies for the development of technical recommendations. In view of the significance of the role of these subsidiary bodies, they have been given permanent status under the UN and have been designated as permanent and formal ''Working Parties.'' More specifically, the working parties and their areas of expertise are outlined below:

Active Safety of Vehicles and Their Parts (Crash Avoidance)

Working Party on Lighting and Light-Signaling (GRE)
Working Party on Brakes and Running Gear (GRRF)

The regulations in this area seek to improve the behavior, handling and equipment of vehicles so as to decrease the likelihood of a road crash. Some of the regulations seek to increase the ability of drivers to detect and avoid hazardous circumstances. Others seek to increase the ability of drivers to maintain control of their vehicles. Specific examples include regulations applying to lighting and light-signaling devices, braking, steering, tires and rollover stability. This area of safety technology is rapidly changing. The advent of advanced technologies (e.g., electronic control systems, advanced sensors and communication) is providing opportunities for developing new approaches for helping drivers avoid crashes.

Passive Safety (Crashworthiness)

Working Party on Passive Safety (GRSP)

The regulations in this area seek to minimize the risk and severity of injury for the occupants of a vehicle and/or other road users in the event of a crash. As is done in other working groups, extensive use is made of crash statistics to identify safety problems for which a regulation or amendment to an existing regulation is needed and define a proper cost/benefit approach when improving performance requirements in this area. This is important, given the overall impact of new requirements on vehicle construction, design and cost. Specific examples of current regulations include ones addressing the ability of the vehicle structure to manage crash energy and resist intrusion into the passenger compartment, occupant restraint and protection systems for children and adults, seat structure, door latches and door retention, pedestrian protection, and for motorcycles, the quality of the protective helmet for the rider. This area of technology also is changing rapidly and becoming more complex. Examples include advanced protection devices that adjust their performance in response to the circumstances of individual crashes.

General Safety Considerations

Working Party on General Safety Provisions (GRSG)

The regulations in this area address vehicle and component features which are not directly linked to the above-mentioned subject areas. For example, windshield wipers and washers, controls and displays, and glazing are grouped under this heading. Further, theft prevention and the considerations related to motorcoaches and other mass public transport vehicles are covered under this category.

Environmental Considerations

Working Party on Pollution and Energy (GRPE)
Working Party on Noise (GRB)

In general, the regulations in this area address questions of the pollution of the environment, noise disturbances and conservation of energy (fuel consumption). However, the issue of quiet vehicles' unintended safety consequence related to pedestrian safety is currently being addressed by GRB even though this group does not normally address safety issues. This is because the necessary acoustics experts needed to develop a safety regulation to address the issue are part of this group.

Special Technical Considerations

Informal Working Groups (IWGs)

In some cases, a specific problem needs to be solved urgently or needs to be addressed by persons having a special expertise. There are also cases where an issue cuts across multiple GRs or is not specifically relevant to any of them. In such situations, a special informal working group may be entrusted with the analysis of the problem and invited to prepare a proposal for a regulation. Although such cases have traditionally been kept to a minimum, the rapid development of complex new technologies is increasing the necessity for using this approach.

II. List of Provisional Meetings of WP.29 and Its Working Parties of Experts

The following list shows the scheduled meetings of WP.29 and its subsidiary Working Parties of Experts for calendar year 2014. In addition to these meetings, Working Parties of Experts may schedule, if necessary, IWG sessions outside their regular schedule in order to address technical matters specific to GTRs under consideration. The formation and timing of these groups are recommended by the sponsoring Contracting Party and are approved by WP.29 and AC.3. The schedules and places of meetings are made available to interested parties in proposals and periodic reports which are posted on the Web site of WP.29, which can be found at: *http://www.unece.org/trans/main/welcwp29.html* (last accessed December 17, 2013).

2014 Provisional Schedule of Meetings of WP.29 and Its Working Parties of Experts

JANUARY
- 7–10 Working Party on Pollution and Energy (GRPE) (68th session)

FEBRUARY
- 4–6 Working Party on Noise (GRB) (59th session)
- 17–21 Working Party on Brakes and Running Gear (GRRF) (76th session)

MARCH
- 10 Administrative Committee for the Coordination of Work (WP.29/AC.2) (114th session)
- 11–14 World Forum for Harmonization of Vehicle Regulations (WP.29) (162nd session)
- 31–3 Working Party on Lighting and Light-Signalling (GRE) (71st session)

MAY
- 5–9 Working Party on General Safety Provisions (GRSG) (106th session)
- 19–23 Working Party on Passive Safety (GRSP) (55th session)

JUNE
- 3–6 Working Party on Pollution and Energy (GRPE) (69th session)
- 23 Administrative Committee for the Coordination of Work (WP.29/AC.2) (115th session)
- 24–27 World Forum for Harmonization of Vehicle Regulations (WP.29) (163rd session)

SEPTEMBER
- 1–3 Working Party on Noise (GRB) (60th session)
- 16–19 Working Party on Brakes and Running Gear (GRRF) (77th session)

OCTOBER
- 7–10 Working Party on General Safety Provisions (GRSG) (107th session)
- 20–22 Working Party on Lighting and Light-Signalling (GRE) (72nd session)

NOVEMBER
- 10 Administrative Committee for the Coordination of Work (WP.29/AC.2) (116th session)
- 11–14 World Forum for Harmonization of Vehicle Regulations (WP.29) (164th session)
- 14 Working Party on Pollution and Energy (GRPE) (70th session)

DECEMBER
- 9–12 Working Party on Passive Safety (GRSP) (56th session)

III. Status of Activities Under the Program of Work of the 1998 Global Agreement

The current Program of Work of the 1998 Global Agreement is listed in the table below. Note that the items listed are for those related to vehicle safety only.

Working party of experts	Subject	Sponsoring contracting party	Chair of informal working group
WP.29	Exchange of Information- Enforcement Working Group	United States	United States.
GRRF	GTR on Tires for Light Vehicles	France	UK.
	Phase 2 of GTR No. 7 (Head Restraints)	Japan	UK.
	Phase 2 of GTR No. 9 (Pedestrian Safety)	Japan/Germany	Germany/Japan.
GRSP	GTR on Pole Side Impact	Australia	Australia.
	Exchange of Information on Harmonized Side Impact Dummies.	United States	United States.
	Electric Vehicles Safety GTR	United States/Japan/European Commission (EC)/China.	United States/Japan.
GRB	GTR on Quiet Road Transport Vehicles	United States/Japan/EC	United States/Japan.

A. GTRs Established in CY 2013

Hydrogen Fuel-Cell Vehicles

GTR 13 for Hydrogen and Fuel Cell Vehicles was established [4] on June 27, 2013, after a 6-year effort. Work on the GTR was initiated when WP.29 adopted an Action Plan prepared by the co-sponsors (United States, Germany and Japan) to develop a GTR for compressed gaseous and liquefied hydrogen fuel vehicles in June 2007.[5] WP.29 formed an IWG to develop a GTR for these types of vehicles with the aim of attaining levels of safety equivalent to those for conventional gasoline-powered vehicles. In June 2013, the GTR for hydrogen vehicles was established by a unanimous vote in WP.29. It covers the safety of automotive hydrogen fuel containers, hydrogen fuel lines and their related components, as well as the safety of high-voltage components.

Consistent with the provisions set forth under the 1998 Agreement, NHTSA is currently evaluating the GTR for adoption and will provide a regular status report to WP.29.

For a possible second phase of work, the co-sponsors of the hydrogen GTR are discussing and developing a new work plan and roadmap. Focus topics for this Phase are expected to include:

(a) Potential harmonization of vehicle crash tests
(b) Potential scope revision to address additional vehicle classes
(c) Potential harmonization of crash test specifications
(d) Requirements for material compatibility and hydrogen embrittlement
(e) Requirements for the fueling receptacle
(f) Evaluation of performance-based test for long-term stress rupture proposed in Phase 1

[4] Under the 1998 Global Agreement, GTRs are established by consensus vote of the Agreement's Contracting Parties present and voting.

[5] The GTR Action Plan (ECE/TRANS/WP.29/2007/4 I) and GTR proposal (ECE/TRANS/WP.29/AC.3/I 7) can be found at *http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/gen2007.html* and *http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29glob proposal.html,* respectively.

(g) Consideration of research results reported after completion of Phase 1—specifically research related to electrical safety, hydrogen storage systems, and post-crash safety

B. Status of GTRs Under Development

1. Pedestrian Safety

As discussed in the 2013 notice, the November 2008 session, WP.29 voted to establish GTR 9 on Pedestrian Safety.[6]

The GTR contains two sets of performance criteria applying to: (a) The hood; and (b) the front bumper. Unique test procedures address adult and child head and adult leg impact protection for each of the two crash scenarios. At the time GTR 9 was adopted, a legform impactor developed by TRL (Transport Research Laboratory, UK) was used to evaluate front bumper impact performance. WP.29, however, agreed to consider the future use of a newer legform impactor called Flex-PLI (Flexible Pedestrian Legform Impactor), which may be more biofidelic. At the May 2011 session of GRSP, NHTSA reported research results that raised concerns about the readiness of the Flex-PLI device. As a result, at its June 2011 session, WP.29 agreed to form a new IWG under the sponsorship and chairmanship of Germany and Japan to further refine the Flex-PLI device to replace the existing leg form impacter in GTR 9. A task force bumper test area was established within the informal group with the objective to improve the Flex-PLI test procedure as the size of the bumper test area is reduced due to new bumper designs. The European Commission is chairing this effort.

To evaluate the Flex-PLI, the IWG started an international vehicle round-robin test program in September 2012, and finalized it in March 2013. Testing was conducted in Europe, Korea and the United States. The results showed a stable performance of the legform impactor with good repeatability. No problem with durability was found during testing. The working group has also developed certification procedures and cost benefit assessments for the Flex-PLI.

With regard to the injury criteria, the IWG agreed on injury assessment reference values (IARVs) that were derived from two different approaches, one proposed by Germany and another proposed by Japan. NHTSA requested information about the derivation of the injury risk functions using these two approaches, as the information had not been made available to the IWG. At this point the United States is not prepared to agree or disagree with the IAVRs in the current draft proposal for this GTR amendment until our own cost-benefit analysis is completed. For this reason, the United States recommended including alternate language allowing Contracting Parties to select different IARVs using cost-benefit analysis in their own country, provided they were based on the same injury risk functions used to select the IARVs in the GTR. The United States also added language to the draft preamble of this pending GTR amendment to reflect our concerns about the level of stringency of the IARVs.

The formal proposal to amend GTR 9 by introducing the Flex-PLI impactor was submitted to GRSP in December 2013. Delegates objected to the United States proposal, and instead a footnote was added allowing only contracting parties without pre-existing pedestrian protection regulations or standards to adopt other IARVs, but without included any criteria for those IARVs. The international Organization of Motor Vehicle Manufacturers (OICA) objected to this language also, therefore while GRSP agreed to recommend the draft GTR to WP.29 for a vote at the June 2014 session, it also agreed to ask for WP.29's advice regarding the injury criteria issue at the March 2014 session. The document would then be returned to GRSP for the May 2014 session if necessary.

2. Head Restraints

The GTR for head restraints (GTR 7) was established by WP.29 at its March 2008 session. At that time, the GTR incorporated a dynamic test option to some of the static requirements using the Hybrid III test dummy. It was anticipated that a new dummy, the Biofidelic Rear Impact Dummy (BioRID II), might eventually allow for a full system whiplash evaluation test that incorporates the combined performance of the seat and head restraint, but the dummy was not then sufficiently developed to incorporate, even as an option, the way the Hybrid III dummy was incorporated. Therefore, in November 2009, WP.29 initiated a second phase of development for the GTR by forming a new IWG tasked with the development of a fully developed BioRID II test tool, including test procedures, injury criteria and associated corridors.

At the December 10–11, 2012 meeting of the IWG, the chairman confirmed that the development of a proposal for a certification procedure of the BioRID II was in progress and that the study, which is funded by the EC, identified areas of dummy performance, (specifically, reproducibility) still required further investigation. He also reported that the group may have to consider proposing it as an option to Hybrid III rather than a replacement. The goal of the IWG was to submit a proposal for consideration at the December 2013 session of GRSP.

At the June, 2013 session of WP.29 the chairman reported that the IWG had agreed on draft proposals for: (i) An effective head restraint height measurement procedure and (ii) an appropriate dynamic test, including the test procedure and the associated corridors for the BioRID II. However, he added that the development of injury criteria for the use of the BioRID II was at a critical point, because medical research in the United States was still progressing, but not as rapidly as was expected. As a result, WP.29 agreed to extend the mandate of the IWG until the end of 2015. Since that time, availability of redesigned BioRID II dummies from the manufacturer has caused some additional changes, but the IWG is still hopeful that it can submit a proposal for consideration at the May 2014 session of GRSP. If GRSP votes to recommend the amendments at that session, WP.29 could vote on the amendments as early as the November 2014 session, earlier than this new deadline.

At the December 2013 session of GRSP, a new proposal to amend the GTR was submitted jointly by Germany, the Netherlands, and the United Kingdom. The proposal would require front outboard designated seating positions to have at least one position of head restraint adjustment that was not less than 830 mm, an increase of 30 mm over the current requirement of 800 mm, and to have no position of head restraint adjustment that was less than 720 mm, a decrease of 30 mm over the current requirement of 750 mm.

Both OICA and the United States submitted informal documents responding to this proposal. OICA indicated that the new measurement method included in the draft proposal from the IWG would lead to results on average 30 mm lower than when using the current measurement method and that therefore, the effect of this proposal combined with that change would be to require an average 60 mm increase in head restraint height. The United States document requested data to support the proposal, and also noted that feasibility issues had previously been raised when high head restraint heights had been proposed in the past.

[6] 78 FR 21191. NHTSA received one comment from the American Motorcycle Association on the Pedestrian Safety GTR, offering to assist NHTSA in evaluating how this GTR could also reduce injuries to motorcyclists. The comment has been forwarded to those at NHTSA working on a proposal to introduce the GTR in the United States.

3. Quiet Electric and Hybrid-Electric Vehicles

As discussed in the 2013 notice, in 2009, NHTSA published a report on the incident rates of crashes involving hybrid-electric vehicles and pedestrians under different scenarios.[7] The U.S. study, using crash data collected from several states, compared vehicle to pedestrian crash rates for hybrid electric-vehicles and vehicles with internal combustion engines (ICE). In the study, the agency concluded that there was an increased rate of pedestrian crashes for hybrid electric vehicles versus similarly sized ICE vehicles. In 2010, the agency published a second report that found that the overall sound levels for the hybrid-electric vehicles tested were lower at low speeds than for the peer ICE vehicles tested.[8]

The Japanese Ministry of Land, Infrastructure, Transport and Tourism (MLIT), after studying the feasibility of alert sounds for electric and hybrid-electric vehicles, issued guidelines for pedestrian alert sounds in 2010. MLIT concluded that pedestrian alert sounds should be required only on hybrid-electric vehicles that can run exclusively on an electric motor, electric vehicles and fuel-cell vehicles. MLIT guidelines require that electric and hybrid-electric vehicles generate a pedestrian alert sound whenever the vehicle is moving forward at any speed less than 20 km/h and when the vehicle is operating in reverse. The guidelines do not require vehicles to produce an alert sound when the vehicle is operating, but stopped, such as at a traffic light. Also, manufacturers are allowed to equip the vehicle with a switch to deactivate the alert sound temporarily.

WP.29 also determined that vehicles propelled in whole or in part by electric means, present a danger to pedestrians and consequently adopted guidelines covering alert sounds for electric and hybrid vehicles that are closely based on the Japanese guidelines at its March 2011 meeting. The guidelines were published as an annex to the UNECE Consolidated Resolution on the Construction of Vehicles (R.E.3).

Considering the international interest and work in this new area of safety, the United States, the European Commission (EC) and Japan agreed to work, as co-sponsors, on a new GTR to develop harmonized pedestrian minimum sound requirements for electric and hybrid-electric vehicles under the 1998 Global Agreement.[9]

WP.29 is currently working to develop the GTR. In 2013, three meetings of the IWG were held: (1) Brussels, Belgium, in April, (2) Washington DC, in July, and (3) Tokyo, Japan in December.

At its November 2013 session, WP.29 decided to extend the timeline for completing the GTR by one year—it is now expected to be established November 2015. The next meeting of the IWG will take place in Washington DC in May 2014. The meeting agendas, reports and related documents can be found on the UN Web site for this IWG.[10]

4. Electric Vehicles

At the March 2012 session of WP.29, the co-sponsors (the United States, Japan, and the EC) submitted a joint proposal (ECE/Trans/WP.29/2012/36. and its Corr1) to establish two working groups to address the safety and environmental issues associated with electric vehicles (EVs). The WP.29 Executive Committee adopted this proposal as well as approved China, per its request, as the fourth co-sponsor.

For the safety aspects, an electric vehicle safety (EVS) IWG was formed to begin development of the GTR, which would apply to high voltage hybrid and pure electric vehicles with a gross vehicle mass of 4,536 kilograms or less, their batteries, and other associated high-risk components. The United States chairs the IWG with China and the EU as co-vice chairs, and Japan as the secretary. To the extent possible, the GTR will include performance-based requirements and testing protocols designed to allow for innovation, while ensuring that the unique safety risks posed by electric vehicles are mitigated. The GTR will address the safety of high voltage electrical components, including lithium-ion and other types of batteries, their performance during normal use, after a crash event, and while recharging at a residential or commercial station.

The third and fourth EVS IWG meetings were held in 2013: (1) Tokyo, Japan, in April and (2) Beijing, China, in October. At these meetings, the IWG exchanged current regulatory, technical and research information and drafted an outline for the GTR. The IWG also discussed the OICA's proposal which was submitted for the IWG consideration. This proposal contained requirements based on the existing UNECE regulation (R100) for electric vehicle safety, which included safety requirements for occupant protection against high voltage and rechargeable energy storage systems. At the Beijing IWG meeting, the U.S. submitted a battery research plan and approach to rulemaking to the IWG for information and consideration. As presented at the IWG meetings, NHTSA believes that it is important to select boundary conditions and test methods that appropriately and accurately capture the nature of the vehicle working/or operating environment. The research tests include mechanical shock, mechanical integrity, fire hazard, vibration, thermal shock, cycling, and others. Based on the approach of the Hydrogen Fuel-Cell Vehicle GTR no. 13, NHTSA is using similar vehicle conditions to establish the rechargeable energy storage system (REESS) research test boundary conditions, such as operating temperatures and test temperature and exposure time for fire test. For example, the vibration schedule must be representative of the general operating environment of a vehicle. Each performance requirement and test method must correlate to safety risks of in-use and post-crash automobiles. The abuse conditions that NHTSA believes must be considered in the process of developing performance standards include mechanical penetration, internal short circuit, chemical compatibility, and the liberation of stranded energy in the post-crash or inoperative environment. We believe that the results of the anticipated research will play an important role in better informing the appropriate approach to evaluate battery system safety.

NHTSA recognizes that the OICA proposal addresses some of the general topics that may be required by a comprehensive REESS safety standard. However, many of these requirements were developed to evaluate criteria under conditions unrelated to the automotive applications during use and post-crash. Some of these requirements support general reliability criteria for product development but do not

[7] "Research on Quieter Cars and the Safety of Blind Pedestrians, A Report to Congress" prepared by National Highway Traffic Safety Administration, U.S. Department of Transportation, October 2009. This report can be found at *http://www.nhtsa.gov/DOT/NHTSA/NVS/Crash%20Avoidance/Technical%20Publications/2010/RptToCongress091709.pdf.*

[8] Garay-Vega, Lisandra; Hastings, Aaron; Pollard, John K.; Zuschlag, Michael; and Stearns, Mary D., Quieter Cars and the Safety of Blind Pedestrians: Phase I, John A. Volpe National Transportation Systems Center, DOT HS 811 304 April 2010, available at *http://www.nhtsa.gov/DOT/NHTSA/NVS/Crash%20Avoidance/Technical%20Publications/2010/811304rev.pdf.*

[9] Additionally, the agency is taking this action because the Pedestrian Safety Enhancement Act requires the agency to issue a standard specifying minimum sound for Hybrid and Electric Vehicles. The agency announced its proposal on January 14, 2013 (78 FR 2797).

[10] *https://www2.unece.org/wiki/display/trans/GTR+for+QRTV.*

directly support safety performance metrics. Rather they may only imply safety by demonstrating the lack of a safety failure during the tested conditions, which are unacceptable from a performance point of view. Other requirements impose safety relevant abuse conditions to a cell or module then observe or measure the response to that abuse. During REESS development, these tests may describe some sub-component safety limits that are useful in designing protections from those conditions. However, they generally do not cascade to vehicle or pack level performance, and boundary conditions to these tests must be accurately defined to the specific application requirements.

NHTSA believes that a system-level evaluation is the most appropriate method for determining safety performance in this context. NHTSA will continue to work with the IWG and share technical data and analysis for future IWG discussions and drafting the GTR.

5. Light Vehicle Tires

The IWG for developing a GTR on light vehicle tires began its work in September 2006. The activity is sponsored by France and chaired by the UK. The GTR would apply to radial passenger and light truck tires designed for use on vehicles with a gross mass of 10,000 pounds or less. Its provisions include five mandatory performance and labeling requirements (tire sidewall markings, tire dimensions, high speed performance, low pressure and endurance performance, and wet traction performance).

In addition, there are two optional modules, with one containing a tire strength test and bead unseating resistance test, and the second containing a tire rolling sound emission test. During the course of the development of the GTR, it became apparent that the requirements for light truck tires would require more time to develop. It was therefore decided by WP.29 to split the work on the GTR into two phases. The first phase covers passenger car tires only, and the second will address the light truck tires.

NHTSA received a comment from the Rubber Manufacturers Association (RMA) on this GTR in response to the 2013 **Federal Register** notice. The RMA noted that the GTR should have been included in the ''GTRs Nearing Completion and Establishment by Vote'' section, rather than the ''GTRs Under Development'' section, and urged the agency to vote in support of the GTR at the November 2013 session of WP.29. The vote has yet to occur because of an outstanding issue involving the validation of a trailer-based method for evaluating wet traction performance of tires. The U.S. is currently conducting research in this area which should conclude by mid-2014. Subsequently, if agreement is reached on the final text of the GTR, a vote to establish it is expected to take place at the November 2014 session of WP.29/AC.3.

6. Pole Side Impact Protection and Harmonized Side Impact Dummies

In November 2009, an informal meeting was held in Washington, DC among interested experts to discuss international cooperation in the development of harmonized side impact dummies. In June 2010, WP.29 formed an IWG to develop a GTR for pole side impact (PSI) protection under the sponsorship and chairmanship of Australia. At the same time, an IWG on Harmonized Side Impact Dummies was formed under the sponsorship and chairmanship of the United States. The second group was tasked with supporting the PSI GTR by evaluating and further developing the World Side Impact Dummy (WorldSID) family of dummies. The two groups have generally met in conjunction. The side impact dummy IWG held its first meeting in November of 2009 and the PSI group held its first meeting in November 2010. The first tasks of the PSI IWG included confirming the safety need for the GTR and assessing potential candidate crash test procedures for the GTR. As originally planned, the GTR would contain pole side impact test procedures using side impact test dummies representing a WorldSID 50th percentile adult male and a WorldSID 5th percentile adult female.

At the November 2013 session, WP.29 adopted a Pole Side Impact GTR that incorporates an oblique pole test similar to that in the FMVSS No. 214, ''Side impact protection;'' however, it uses the 50th percentile male WorldSID dummy only. While WP.29 agreed to a change of the terms of reference of the IWG to allow a GTR with only one dummy instead of both the World SID 50th percentile adult male and World SID 5th percentile adult female as originally planned, it included a provision that no Contracting Party would be required to initiate the process to adopt the GTR until both phases were complete, even if it were to vote in favor of the first phase of the GTR. However, the United States was not in a position to vote yes on the IARVs for the 50th percentile adjult male at the time the vote was taken and was concerned about its future position since it could not predict the outcome of a second phase. Therefore, the United States abstained from the vote for the pole side impact GTR.

At the November 2012 session, WP.29 established Mutual Resolution (M.R.1) of the 1958 and 1998 Agreements concerning the description and performance of test tools and devices necessary for the assessment of compliance of wheeled vehicles, equipment and parts according to the technical prescriptions specified in Regulations and global technical regulations. It is intended that test tools and devices necessary for compliance assessment will be comprehensively defined in terms of their essential characteristics and performance in an addenda to M.R.1. In conformity with this a parallel proposal to the Pole Side Impact GTR for Addendum 2 to M.R.1 introducing drawings and specifications for the WorldSID 50th percentile male will be submitted at a later stage to GRSP and to WP.29 for adoption. The Secretariat of the UN is currently negotiating with the International Organization for Standardization (150) which holds the copywrite on many of the documents on how to incorporate them into M.R.I.

Concerning the 5th percentile female WorldSID dummy, as previously reported, issues will significantly increase development time for this dummy. Currently, the effort on the 5th percentile female is expected to be completed by December 2015. Because of this, the PSI IWG has suspended its meetings until the 5th percentile female WorldSID dummy development is complete. At that time it will resume its meetings to complete work on the GTR to incorporate the second dummy.

C. Exchange of Information Item

Enforcement Working Group

At the June 2011 session of WP.29, NHTSA proposed that WP.29 consider forming a new working group that would meet to facilitate the regular exchange of non-proprietary or otherwise non-privileged information on enforcement-related activities from around the world to help governments identify and manage incidences of automotive non-compliance or defects more quickly. The participants of WP.29 welcomed and accepted the proposal. To date, four meetings of the IWG have been held, each during the November 2011, June 2012, November 2012, and June 2013 sessions of WP.29. The IWG is open to all the delegates to WP.29 including the Contracting Parties, Non-Governmental Organizations and industry associations and is expected to meet twice a year going forward (each

June and November sessions of WP.29) subject to the agreement of WP.29.

D. Compendium of Candidate GTRs

Article 5 of the 1998 Global Agreement provides for the creation of a compendium of candidate technical regulations submitted by the Contracting Parties. To date, NHTSA has submitted several FMVSSs for inclusion in this Compendium. These FMVSSs have all been listed in the Compendium after an affirmative vote of the Executive Committee of the 1998 Global Agreement.

The FMVSS currently listed in the Compendium include:

- FMVSS No. 108: Lamps, Reflective Devices, and Associated Equipment
- FMVSS No. 135: Passenger Car Brake Systems
- FMVSS No. 139: New Pneumatic Radial Tires for Light Vehicles
- FMVSS No. 202a: Head Restraints
- FMVSS No. 205: Glazing Materials
- FMVSS No. 213: Child Restraint Systems
- EPA and DOT programs for Light-duty Vehicle Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles
- EPA and NHTSA Programs for Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles
- EPA and NHTSA Programs for Revisions and Additions to the Motor Vehicle Fuel Economy Label: New Fuel Economy and Environment Labels for a New Generation of Vehicles

No additional candidate technical regulations have been added as of the publication of this notice.

IV. Request for Comments

NHTSA invites public comments on the various activities outlined in this notice. As discussed in Appendix C of 49 CFR part 553, if NHTSA votes ''yes'' on a GTR, the agency will publish a notice requesting public comment on adopting the regulation as a U.S. standard. Any decision by NHTSA whether to issue a final rule adopting the regulation or to issue a notice terminating consideration of that regulation will be made in accordance with applicable U.S. law and only after careful consideration and analysis of public comments. In the event that NHTSA issues a final rule based on a GTR and, due to the public comments and/or new information and data, the final rule significantly differs from the GTR, NHTSA will consider seeking amendments to the GTR in an effort to achieve consistency. The agency plans to issue individual notices based on each GTR as it is established by WP.29 and will consider additional detailed comments at that time.

Claude H. Harris,

Acting Associate Administrator for Rulemaking.

[FR Doc. 2014–08532 Filed 4–15–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Credit for Renewable Electricity Production, Refined Coal Production, and Indian Coal Production, and Publication of Inflation Adjustment Factors and Reference Prices for Calendar Year 2014

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Publication of inflation adjustment factors and reference prices for calendar year 2014 as required by section 45(e)(2)(A) of the Internal Revenue Code (26 U.S.C. 45(e)(2)(A)), section 45(e)(8)(C) (26 U.S.C. 45(e)(8)(C)), and section 45(e)(10)(C) (26 U.S.C. 45(e)(10)(C)).

SUMMARY: The 2014 inflation adjustment factors and reference prices are used in determining the availability of the credit for renewable electricity production, refined coal production, and Indian coal production under section 45.

DATES: The 2014 inflation adjustment factors and reference prices apply to calendar year 2014 sales of kilowatt hours of electricity produced in the United States or a possession thereof from qualified energy resources, and to 2014 sales of refined coal and Indian coal produced in the United States or a possession thereof.

Inflation Adjustment Factors: The inflation adjustment factor for calendar year 2014 for qualified energy resources and refined coal is 1.5088. The inflation adjustment factor for Indian coal is 1.1587.

Reference Prices: The reference price for calendar year 2014 for facilities producing electricity from wind is 4.85 cents per kilowatt hour. The reference prices for fuel used as feedstock within the meaning of section 45(c)(7)(A) (relating to refined coal production) are $31.90 per ton for calendar year 2002 and $56.88 per ton for calendar year 2014. The reference prices for facilities producing electricity from closed-loop biomass, open-loop biomass, geothermal energy, solar energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy have not been determined for calendar year 2014.

Because the 2014 reference price for electricity produced from wind does not exceed 8 cents multiplied by the inflation adjustment factor, the phaseout of the credit provided in section 45(b)(1) does not apply to such electricity sold during calendar year 2014. Because the 2014 reference price of fuel used as feedstock for refined coal ($56.88) does not exceed $81.82 (which is the $31.90 reference price of such fuel in 2002 multiplied by the inflation adjustment factor (1.5088) and 1.7), the phaseout of credit provided in section 45(e)(8)(B) does not apply to refined coal sold during calendar year 2014. Further, for electricity produced from closed-loop biomass, open-loop biomass, geothermal energy, solar energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy, the phaseout of credit provided in section 45(b)(1) does not apply to such electricity sold during calendar year 2014.

Credit Amount by Qualified Energy Resource and Facility, Refined Coal, and Indian Coal: As required by section 45(b)(2), the 1.5-cent amount in section 45(a)(1), the 8-cent amount in section 45(b)(1), the $4.375 amount in section 45(e)(8)(A), the $2.00 amount in section 45(e)(8)(D), and the $2.00 amount in section 45(e)(8)(10)(B) are each adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount is rounded to the nearest multiple of 0.1 cent. In the case of electricity produced in open-loop biomass facilities, small irrigation power facilities, landfill gas facilities, trash combustion facilities, qualified hydropower facilities, and marine and hydrokinetic renewable energy facilities, section 45(b)(4)(A) requires the amount in effect under section 45(a)(1) (before rounding to the nearest 0.1 cent) to be reduced by one-half. Under the calculation required by section 45(b)(2), the credit for renewable electricity production for calendar year 2014 under section 45(a) is 2.3 cents per kilowatt hour on the sale of electricity produced from the qualified energy resources of wind, closed-loop biomass, geothermal energy, and solar energy, and 1.1 cents per kilowatt hour on the sale of electricity produced in open-loop biomass facilities, small irrigation power facilities, landfill gas facilities,

trash combustion facilities, qualified hydropower facilities, and marine and hydrokinetic renewable energy facilities. Under the calculation required by section 45(b)(2), the credit for refined coal production for calendar year 2014 under section 45(e)(8)(A) is $6.601 per ton on the sale of qualified refined coal. The credit for Indian coal production for calendar year 2014 under section 45(e)(10)(B) is $2.317 per ton on the sale of Indian coal.

FOR FURTHER INFORMATION CONTACT: Philip Tiegerman, CC:PSI:6, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, (202) 317–6853 (not a toll-free number).

Cornelia Schnyder,

Special Counsel to the Associate Chief, Counsel (Passthroughs and Special Industries).

[FR Doc. 2014–08582 Filed 4–15–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 21, 2014.

FOR FURTHER INFORMATION CONTACT: Trena Derricott at 1–888–912–1227 or 801–620–3035.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Wednesday, May 21, 2014, at 12 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Ms. Derricott. For more information please contact Ms. Derricott at 1–888–912–1227 or 801–620–3035, or write TAP Office, Arka Monterey Park Building, 1973 North Rulon White Blvd., Ogden, UT 84404–5402 or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: April 9, 2014.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2014–08581 Filed 4–15–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 21, 2014.

FOR FURTHER INFORMATION CONTACT: Linda Rivera at 1–888–912–1227 or (202) 317–3337.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Wednesday, May 21, 2014 at 2:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Linda Rivera. For more information please contact: Ms. Rivera at 1–888–912–1227 or (202) 317–3337, or write TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing Toll-free issues and public input is welcomed.

Dated: April 9, 2014.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2014–08584 Filed 4–15–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 15, 2014.

FOR FURTHER INFORMATION CONTACT: Ellen Smiley or Patti Robb at 1–888–912–1227 or 414–231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, May 15, 2014, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Ms. Ellen Smiley or Ms. Patti Robb. For more information please contact Ms. Smiley or Ms. Robb at 1–888–912–1227 or 414–231–2360, or write TAP Office Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or post comments to the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: April 9, 2014.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2014–08579 Filed 4–15–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 28, 2014.

FOR FURTHER INFORMATION CONTACT: Patricia Robb or Ellen Smiley at 1–888–912–1227 or (414) 231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Wednesday, May 28, 2014, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Notification of intent to participate must be made with Patricia Robb or Ellen Smiley. For more information please contact Patricia Robb or Ellen Smiley at 1–888–912–1227 or (414) 231–2360 or write: TAP Office, Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221 or contact us at the Web site: *http://www.improveirs.org*.

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: April 9, 2014.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2014–08577 Filed 4–15–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held May 21, 2014.

FOR FURTHER INFORMATION CONTACT: Marisa Knispel at 1–888–912–1227 or 718–834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Wednesday, May 21, 2014 at 11:00 a.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Ms. Knispel. For more information please contact Ms. Knispel at 1–888–912–1227 or 718–834–2203, or write TAP Office, 2 Metro Tech Center, 100 Myrtle Avenue 7th Floor, Brooklyn, NY 11201, or contact us at the Web site: *http://www.improveirs.org*.

The committee will be discussing various issues related to Tax Forms and Publications and public input is welcomed.

Dated: April 9, 2014.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2014–08576 Filed 4–15–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 8, 2014.

FOR FURTHER INFORMATION CONTACT: Donna Powers at 1–888–912–1227 or (954) 423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Thursday, May 8, 2014, at 2:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Donna Powers. For more information please contact Ms. Donna Powers at 1–888–912–1227 or (954) 423–7977, or write TAP Office, 1000 S. Pine Island Road, Plantation, FL 33324 or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: April 9, 2014.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2014–08583 Filed 4–15–14; 8:45 am]

BILLING CODE 4830–01–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing—April 25, 2014, Washington, DC.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

Name: Dennis C. Shea, Chairman of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on April 25, 2014, ''U.S.-China Clean Energy Cooperation: Status, Challenges, and Opportunities.''

Background: This is the fifth public hearing the Commission will hold during its 2014 report cycle to collect input from academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. This hearing will examine, among other things, China's energy needs and clean energy policies, the recent developments in the U.S.-China clean energy cooperation, and the implications of such cooperation for the United States. The hearing will be co-chaired by Commissioners Robin Cleveland and Carte Goodwin. Any interested party may file a written statement by April 25, 2014, by mailing to the contact below. A portion of each panel will include a question and

answer period between the Commissioners and the witnesses.

Location, Date and Time: Room 608, Dirksen Senate Office Building, 1st Street Southeast, Washington, DC. Thursday, April 25, 2014, 9:00 a.m.–1:15 p.m. Eastern Time. A detailed agenda for the hearing is on Commission's Web site at *www.uscc.gov*. Also, please check our Web site for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Reed Eckhold, 444 North Capitol Street NW., Suite 602, Washington, DC 20001; phone: 202–624–1496, or via email at *reckhold@uscc.gov*. *Reservations are not required to attend the hearing.*

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005).

Dated: April 10, 2014.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2014–08587 Filed 4–15–14; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0772]

Agency Information Collection (Cooperative Studies Program (CSP) Site Survey) Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 16, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov*. Please refer to ''OMB Control No. 2900–0772 (Cooperative Studies Program (CSP) Site Survey)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov*. Please refer to ''OMB Control No. 2900–0772 (Cooperative Studies Program (CSP) Site Survey)'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

SUPPLEMENTARY INFORMATION:

Titles:

1. Cooperative Studies Program (CSP) Site Survey, VA Form 10–10074.

2. CSP Meeting Evaluation, VA Form 10–10074a.

OMB Control Number: 2900–0772.

Type of Review: Revision of a currently approved collection.

Abstracts:

a. The data collected on VA Form 10–10074 will be used to assist in evaluating the level of customer service within the CSP Coordinating Centers.

b. The CSP Meeting Evaluation will be used to gauge the effectiveness of CSP's in-person meetings and ways to improve future meetings.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. Cooperative Studies Program (CSP) Site Survey, VA Form 10–10074—83 hours.

b. Cooperative Studies Program (CSP) Meeting Evaluation, VA Form 10–10074 a—83 hours.

Estimated Average Burden per Respondent:

a. Cooperative Studies Program (CSP) Site Survey, VA Form 10–10074—10 minutes.

b. CSP Meeting Evaluation, VA Form 10–10074 a—10 minutes.

Frequency of Response: Annually.

Estimated Annual Responses:

a. Cooperative Studies Program (CSP) Site Survey, VA Form 10–10074—500.

b. CSP Meeting Evaluation, VA Form 10–10074 a—500.

Dated: April 10, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–08549 Filed 4–15–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0342]

Agency Information Collection (Application and Training Agreement for Apprenticeship and On-the-Job Training Programs) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 16, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to VA's OMB

Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0342'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0342.''

SUPPLEMENTARY INFORMATION:

Titles:

a. Other On-the-Job Training and Apprenticeship Training Agreement and Standards, (Training Programs Offered Under 38 U.S.C. 3677 and 3687), VA Form 22–8864.

b. Employer's Application to Provide Job Training, (Under Title 38 U.S. Code 3677 and 3687), VA Form 22–8865.

OMB Control Number: 2900–0342.

Type of Review: Revision of a currently approved collection.

Abstract: VA uses the data on VA Form 22–8864 to ensure that all trainees receive a training agreement and to make certain that training programs and agreements meet statutory requirements for approval of an employer's job training program.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 8, 2013, at page 67222.

Affected Public: Business or other for-profit, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Annual Burden:

a. Other On-the-Job Training and Apprenticeship Training Agreement and Standards, (Training Programs Offered Under 38 U.S.C. 3677 and 3687), VA Form 22–8864—4,441 hours.

b. Employer's Application to Provide Job Training, (Under Title 38 U.S. Code. 3677 and 3687), VA Form 22–8865—15,380 hours.

Frequency of Response: On occasion.

a. Other On-The-Job Training and Apprenticeship Training Agreement and Standards, (Training Programs Offered Under 38 U.S.C. 3677 and 3687), VA Form 22–8864—30 minutes.

b. Employer's Application to Provide Job Training, (Under Title 38 U.S. Code 3677 and 3687), VA Form 22–8865—90 minutes.

Estimated Number of Respondents:

a. Other On-the-Job Training and Apprenticeship Training Agreement and Standards, (Training Programs Offered Under 38 U.S.C. 3677 and 3687), VA Form 22–8864—8,881.

b. Employer's Application to Provide Job Training, (Under Title 38 U.S. Code 3677 and 3687), VA Form 22–8865—10,253.

Dated: April 11, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–08617 Filed 4–15–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0115]

Agency Information Collection (Supporting Statement Regarding Marriage) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 16, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0115'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0115.''

SUPPLEMENTARY INFORMATION:

Title: Supporting Statement Regarding Marriage, VA Form 21P–4171.

OMB Control Number: 2900–0115.

Type of Review: Revision of a currently approved collection.

Abstract: The data collected on VA Form 21P–4171 is used to determine a claimant's eligibility for benefits based on a common law marital relationship. Benefits cannot be pay unless the marital relationship between the claimant and the veteran is established.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 15, 2014, at page 2755.

Affected Public: Individuals or households.

Estimated Annual Burden: 800 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 2,400.

Dated: April 10, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–08553 Filed 4–15–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection Activity: Proposed Collection (Statement in Support of Claim for Disability and Related Compensation Benefits Due to Exposure) Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to assist claimants in obtaining evidence of

radiation exposure during active duty military service.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 16, 2014.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–NEW (Statement in Support of Claim for Disability and Related Compensation Benefits Due to Exposure) '' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501—3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Statement in Support of Claim for Disability and Related Compensation Benefits Due to Exposure Due to Exposure (VA Form 21–0964).

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract: VA will use the information collected on VA Form 21–0964 to gather information related to exposure. The form will be used to determine if a Veteran has been exposed for the purposes of benefits.

Affected Public: Individuals and households.

Estimated Annual Burden: 10,000 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 6,667.

Dated: April 11, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–08633 Filed 4–15–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0665]

Proposed Information Collection (Direct Deposit Enrollment/Change); Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to this notice. This notice solicits comments on information needed to start or change direct deposit of Government Life Insurance payments.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 16, 2014.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0665'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Direct Deposit Enrollment/Change, VA Form 29–0309.

OMB Control Number: 2900–0665.

Type of Review: Revision of a currently approved collection.

Abstract: Claimants complete VA Form 29–0309 authorizing VA to initiate direct deposit of insurance benefit at their financial institution.

Affected Public: Individuals or households.

Estimated Annual Burden: 10,000 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 30,000.

Dated: April 10, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–08544 Filed 4–15–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0786 (VR&E Longitudinal Study Survey)]

Agency Information Collection (Vocational Rehabilitation and Employment Longitudinal Study Survey); Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits

Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 16, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov*. Please refer to ''OMB Control No. 2900–0786'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov*. Please refer to ''OMB Control No. 2900–0786.''

SUPPLEMENTARY INFORMATION:

Title: Vocational Rehabilitation and Employment Longitudinal Study Survey.

OMB Control Number: 2900–0786 (VR&E Longitudinal Study Survey).

Type of Review: Revision of a Currently Approved Collection.

Abstract: As required by Public Law 110–389 Section 334, VBA will collect survey data on individuals who began participating in the VR&E program during fiscal years 2010, 2012, and 2014. VA will conduct a study of this data to determine the long-term positive outcomes of individuals participating in VBA's VR&E program. The purpose of this study is to monitor the effectiveness of VR&E program, so that we can find ways to improve the program and increase the support VA provides to Veterans on a daily basis.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 6, 2014, at pages 7281–7282.

Affected Public: Individuals and Households.

Estimated Annual Burden: 2,333 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 7,000.

Dated: April 10, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–08548 Filed 4–15–14; 8:45 am]

BILLING CODE 8320–01–P

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Geohazard Survey in the Beaufort Sea, Alaska; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD229

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Geohazard Survey in the Beaufort Sea, Alaska

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received an application from BP Exploration (Alaska) Inc. (BP) for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to conducting a shallow geohazard survey in Foggy Island Bay, Beaufort Sea, Alaska, during the 2014 open water season. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to BP to incidentally take, by Level B harassment only, marine mammals during the specified activity.

DATES: Comments and information must be received no later than May 16, 2014.

ADDRESSES: Comments on the application should be addressed to Jolie Harrison, Supervisor, Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *ITP.Nachman@noaa.gov.* NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 25-megabyte file size.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm* without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

An electronic copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Candace Nachman, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking, other means of effecting the least practicable impact on the species or stock and its habitat, and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: ''any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].''

Summary of Request

On February 4, 2014, NMFS received an application from BP for the taking of marine mammals incidental to conducting a shallow geohazard survey. NMFS determined that the application was adequate and complete on March 6, 2014.

BP proposes to conduct a shallow geohazard survey in Federal and state waters of Foggy Island Bay in the Beaufort Sea during the open-water season of 2014. The proposed activity would occur between July 1 and September 30; however, airgun and other sound source equipment operations would cease on August 25. The following specific aspects of the proposed activity are likely to result in the take of marine mammals: airguns and scientific sonars/devices. Take, by Level B harassment only, of 9 marine mammal species is anticipated to result from the specified activity.

Description of the Specified Activity

Overview

BP's proposed shallow geohazard survey would consist of two phases: a site survey and a sonar survey. During the first phase, the Site Survey, the emphasis is on obtaining shallow geohazard data using an airgun array and a towed streamer. During the second phase, the Sonar Survey, data will be acquired both in the Site Survey location and subsea pipeline corridor area (see Figure 1 in BP's application) using the multibeam echosounder, sidescan sonar, subbottom profiler, and the magnetometer. The total discharge volume of the airgun array will not exceed 30 cubic inches (in^3). The program is proposed to be conducted during the 2014 open-water season.

The purpose of the proposed shallow geohazard survey is to evaluate development of the Liberty field. The Liberty reservoir is located in federal waters in Foggy Island Bay about 8 miles (mi) east of the Endicott Satellite Drilling Island. The project's preferred alternative is to build a gravel island situated over the reservoir. In support of the preferred alternative, a Site Survey is planned with an emphasis on obtaining two-dimensional high-resolution (2DHR) shallow geohazard data using an airgun array and a towed streamer. Additional infrastructure required for the preferred alternative would include a subsea pipeline. A Sonar Survey, using multibeam echosounder, sidescan sonar, subbottom profiler, and magnetometer is proposed over the Site Survey location and subsea pipeline corridor area. The purpose of this proposed survey is to evaluate the existence and location of archaeological resources and potential geologic hazards on the seafloor and in the shallow subsurface.

Dates and Duration

The planned start date is approximately July 1, 2014, with data

acquisition beginning when open water conditions allow. The survey is expected to take approximately 20 days to complete, not including weather downtime. Each phase of the survey (i.e., site survey and sonar survey) has an expected duration of 7.5 days based on a 24-hour workday. Between the first and second phase, the operations will be focused on changing equipment for about 5 days (i.e., no active sound sources would be used to acquire data during this time). To limit potential impacts to the bowhead whale fall migration and subsistence hunting, airgun and sonar operations will cease by midnight on August 25. Demobilization of equipment would continue after airgun and sonar operations end but would be completed by September 30. Therefore, the proposed dates for the IHA (if issued) are July 1 through September 30, 2014.

Specified Geographic Region

The proposed shallow geohazards survey would occur in Federal and state waters of Foggy Island Bay in the Beaufort Sea, Alaska. The project area lies mainly within the Liberty Unit but also includes portions of the Duck Island Unit, as well as non-unit areas. Figure 1 in BP's application outlines the proposed survey acquisition areas, including proposed boundaries for the two phases of the project. The Phase 1 Site Survey, focused on obtaining shallow geohazard data using an airgun array and towed streamer, will occur within approximately 12 mi^2. The Phase 2 Sonar Survey will occur over the Site Survey area and over approximately 5 mi^2 within the 29 mi^2 area identified in Figure 1 of BP's application. Water depth in this area ranges from about 2–24 ft. Activity outside the area delineated in Figure 1 of BP's application may include vessel turning while using airguns, vessel transit, and other vessel movements for project support and logistics. The approximate boundaries of the two survey areas are between 70°14′10″ N. and 70°20′20″ N. and between 147°29′05″ W. and 148°52′30″ W.

Detailed Description of Activities

The activities associated with the proposed shallow geohazard survey include vessel mobilization, navigation and data management, housing and logistics, and data acquisition.

1. Vessel Mobilization

One vessel will be used for the geohazard survey. The proposed survey vessel (*R/V Thunder* or equivalent) is about 70 × 20 ft in size. This vessel will be transported to the North Slope by truck and prepared and launched at West Dock or Endicott. Vessel preparation includes the assembly of navigation, acoustic, and safety equipment. Initial fueling and stocking of recording equipment will also be part of the vessel preparations. Once assembled, the navigation and acoustic systems will be tested at West Dock or at the project site.

2. Navigation and Data Management

The vessel will be equipped with Differential Global Navigation Satellite System receivers capable of observing dual constellations and backup. Corrected positions will be provided via a precise point positioning solution. A kinematic base station will be kept at the housing facilities in Deadhorse to mitigate against the inability to acquire a precise point positioning signal. Tidal corrections will be determined through Global Navigation Satellite System computation, comparison with any local tide gauges, and, if available, with tide gauges operated by other projects.

A navigation software package will display known obstructions, islands, and identified areas of sensitivity. The software will also show the pre-determined source line positions within the two survey areas. The information will be updated as necessary to ensure required data coverage. The navigation software will also record all measured equipment offsets and corrections and vessel and equipment position at a frequency of no less than once per 5 seconds for the duration of the project.

3. Housing and Logistics

Approximately 20 people will be involved in the operation. Most of the crew will be accommodated at existing camps, and some crew will be housed on the vessel. Support activities, such as crew transfers and vessel re-supply are primarily planned to occur at Endicott and West Dock. However, support activities may also occur at other nearby vessel accessible locations if needed (e.g., East Dock). Equipment staging and onshore support will primarily occur at West Dock but may also take place at other existing road-accessible pads within the Prudhoe Bay Unit area as necessary. For protection from weather, the vessel may anchor near West Dock, near the barrier islands, or other near shore locations.

4. Data Acquisition

Equipment proposed for use during the proposed shallow geohazard survey includes airgun, multibeam echosounder, sidescan sonar, subbottom profiler, and a marine magnetometer. Details related to data acquisition are summarized next.

Survey Design: One vessel will be used for the proposed survey. The proposed vessel (*R/V Thunder* or equivalent) is about 70 × 20 ft in size. The airgun and streamer, sidescan sonar, and magnetometer will be deployed from the vessel. The multibeam echosounder and subbottom profiler will be hull-mounted. No equipment will be placed on the sea floor as part of survey activities.

The survey will acquire data in two phases. During the first phase the emphasis is on obtaining shallow geohazard data in the Site Survey area (see Figure 1 in BP's application) using an airgun array and a towed streamer. During the second phase data will be acquired in both the Site Survey and Sonar Survey areas (see Figure 1 in BP's application) using the multibeam echosounder, sidescan sonar, subbottom profiler, and the magnetometer. Each phase has an expected duration of about 7.5 days, based on a 24-hour workday. Between the first and second phase the operations will be focused on changing equipment for about 5 days.

2DHR Seismic: High-resolution seismic data acquisition will only take place during Phase 1 in the Site Survey area. The 2DHR seismic source will consist of one of two potential arrays, each with a discharge volume of 30 in^3 and containing multiple airguns. The first array option will have three 10 in^3 airguns, and the other array option will have a 20 in^3 and a 10 in^3 airgun. Table 1 in this document and BP's application summarizes airgun array specifics for each option. A 5 in^3 airgun will be utilized as the mitigation gun. The tow depth will be about 3 ft.

The receivers will be placed on a streamer that is towed behind the source vessel. The streamer will be about 984 ft in length and will contain 48 receivers at about 20 ft spacing.

Seismic data will be acquired on two grids. Grid 1 will contain lines spaced at 492 ft with perpendicular 984 ft spaced lines. Grid 2 will contain approximately 65 ft spaced lines. The total line length of both grids will be about 342 miles.

The vessel will travel with a speed of approximately 3–4 knots. The seismic pulse interval is 20.5 ft, which means a shot every 3 to 4 seconds.

TABLE 1—PROPOSED 30 IN³ AIRGUN ARRAY CONFIGURATIONS AND SOURCE SIGNATURES AS PREDICTED BY THE GUNDALF AIRGUN ARRAY MODEL FOR 1 M DEPTH

Array specifics	30 in³ Array option 1	30 in³ Array option 2
Number of guns	Three 2000 psi sleeve airguns (3 x 10 in³)	Two 2000 psi sleeve airguns (1 x 20 in³, 1 x 10 in³).
Zero to peak	4.89 bar-m (~234 dB re μPa @1 m)	3.62 bar-m (~231 dB re 1 μPa @1 m).
Peak to peak	9.75 bar-m (~240 dB re μPa @1 m)	7.04 bar-m (~237 dB re 1 μPa @1 m).
RMS pressure	0.28 bar-m (~209 dB re μPa @1 m)	0.22 bar-m (~207 dB re 1 μPa @1 m).
Dominant frequencies	About 20–300 Hz	About 20–300 Hz.

Multibeam Echosounder and Sidescan Sonar: A multibeam echosounder and sidescan sonar will be used to obtain high accuracy information regarding bathymetry and isonification of the seafloor. For accurate object detection, a side scan sonar survey is required to complement a multibeam echosounder survey.

The proposed multibeam echosounder operates at a root mean squared (rms) source level of approximately 220 dB re 1 μPa at 1 m. The multibeam echosounder emits high frequency energy in a fan-shaped pattern of equidistant or equiangular beam spacing. The beam width of the emitted sound energy in the along track direction is 2 degrees at 200 kilohertz (kHz) and 1 degree at 400 kHz, while the across track beam width is 1 degree at 200 kHz and 0.5 degrees at 400 kHz (see Table 2 in BP's application and this document). The maximum ping rate of the multibeam echosounder is 60 Hz.

The proposed sidescan sonar system will operate at about 100 kHz (120 kHz to 135 kHz) and 400 kHz (400 kHz to 450 kHz). The estimated rms source level is approximately 215 dB re 1 μPa at 1 m (Table 2). The sound energy is emitted in a narrow fan-shaped pattern, with a horizontal beam width of 1.5 degrees for 100 kHz and 0.4 degrees at 400 kHz, with a vertical beam height of 50 degrees. The maximum ping rate of the sidescan sonar is 30 Hz.

Data acquisition with the multibeam echosounder and sidescan sonar data will take place along all grids in the Sonar Survey area. Additional multibeam echosounder and sidescan sonar infill lines will be added to obtain 150% coverage over certain areas.

In addition, BP may conduct a strudel scour survey in the Kadleroshilik and Sagavanirktok River overflood areas for about 3 days, depending on results from reconnaissance flights in June. This data would be collected from a separate vessel equipped with a multibeam echosounder and sidescan sonar. These units would operate at a frequency of about 400 kHz. Because this operating frequency is outside the hearing range of marine mammals, the strudel scour survey is not part of BP's IHA application and is not analyzed further.

Subbottom Profiler: The purpose of the subbottom profiler is to provide an accurate digital image of the shallow sub-surface sea bottom, below the mud line. The proposed system emits energy in the frequency bands of 2 to 16 kHz (Table 2). The beam width is 15 to 24 degrees, depending on the center frequency. Typical pulse rate is between 3 and 6 Hz. Subbottom profiler data will be acquired continuously along all grids during Phase 2 of the operations (i.e., after 2DHR seismic data has been obtained).

Magnetometer: A marine magnetometer will be used for the detection of magnetic deflection generated by geologic features, and buried or exposed ferrous objects, which may be related to archaeological artifacts or modern man-made debris. The magnetometer will be towed at a sufficient distance behind the vessel to avoid data pollution by the vessel's magnetic properties. Magnetometers measure changes in magnetic fields over the seabed and do not produce sounds. Therefore, this piece of equipment is not anticipated to result in the take of marine mammals and is not analyzed further in this document.

TABLE 2—SOURCE CHARACTERISTICS OF THE PROPOSED GEOPHYSICAL SURVEY EQUIPMENT OF THE LIBERTY GEOHAZARD SURVEY

Equipment	Operating frequency	Along track beam width	Across track beam width	RMS sound pressure level
Multibeam echosounder	200–400 kHz	1–2°	0.5–1°	~220 dB re 1 μPa @1m.
Sidescan sonar	120–135 kHz	1.5°	50°	~215 dB re 1 μPa @1m.
	400–450 kHz	0.4°	50°	
Subbottom profiler	2–16 kHz	15–24°	15–24°	~216 dB re 1 μPa @1m.

Description of Marine Mammals in the Area of the Specified Activity

The Beaufort Sea supports a diverse assemblage of marine mammals. Table 3 lists the 12 marine mammal species under NMFS jurisdiction with confirmed or possible occurrence in the proposed project area.

TABLE 3—MARINE MAMMAL SPECIES WITH CONFIRMED OR POSSIBLE OCCURRENCE IN THE PROPOSED SEISMIC SURVEY AREA

Common name	Scientific name	Status	Occurrence	Seasonality	Range	Abundance
Odontocetes						
Beluga whale (Beaufort Sea stock).	*Delphinapterus leucas.*		Common	Mostly spring and fall with some in summer.	Russia to Canada	39,258

TABLE 3—MARINE MAMMAL SPECIES WITH CONFIRMED OR POSSIBLE OCCURRENCE IN THE PROPOSED SEISMIC SURVEY AREA—Continued

Common name	Scientific name	Status	Occurrence	Seasonality	Range	Abundance
Killer whale	*Orcinus orca*		Occasional/ Extralimital.	Mostly summer and early fall.	California to Alaska.	552
Harbor porpoise	*Phocoena phocoena.*		Occasional/ Extralimital.	Mostly summer and early fall.	California to Alaska.	48,215
Narwhal	*Monodon monoceros.*					45,358
Mysticetes						
Bowhead whale	*Balaena mysticetus.*	Endangered; Depleted.	Common	Mostly spring and fall with some in summer.	Russia to Canada	16,892
Gray whale	*Eschrichtius robustus.*		Somewhat common.	Mostly summer	Mexico to the U.S. Arctic Ocean.	19,126
Minke whale	*Balaenoptera acutorostrata.*					810–1,003
Humpback whale (Central North Pacific stock).	*Megaptera novaeangliae.*	Endangered; Depleted.				21,063
Pinnipeds						
Bearded seal (Beringia distinct population segment).	*Erigathus barbatus.*	Threatened; Depleted.	Common	Spring and summer.	Bering, Chukchi, and Beaufort Seas.	155,000
Ringed seal (Arctic stock).	*Phoca hispida*	Threatened; Depleted.	Common	Year round	Bering, Chukchi, and Beaufort Seas.	300,000
Spotted seal	*Phoca largha*		Common	Summer	Japan to U.S. Arctic Ocean.	141,479
Ribbon seal	*Histriophoca fasciata.*	Species of concern.	Occasional	Summer	Russia to U.S. Arctic Ocean.	49,000

Endangered, threatened, or species of concern under the Endangered Species Act (ESA); Depleted under the MMPA.

The highlighted (grayed out) species in Table 3 are so rarely sighted in the central Alaskan Beaufort Sea that their presence in the proposed project area, and therefore take, is unlikely. Minke whales are relatively common in the Bering and southern Chukchi seas and have recently also been sighted in the northeastern Chukchi Sea (Aerts *et al.,* 2013; Clarke *et al.,* 2013). Minke whales are rare in the Beaufort Sea. They have not been reported in the Beaufort Sea during the Bowhead Whale Aerial Survey Project/Aerial Surveys of Arctic Marine Mammals (BWASP/ASAMM) surveys (Clarke *et al.,* 2011, 2012; 2013; Monnet and Treacy, 2005), and there was only one observation in 2007 during vessel-based surveys in the region (Funk *et al.,* 2010). Humpback whales have not generally been found in the Arctic Ocean. However, subsistence hunters have spotted humpback whales in low numbers around Barrow, and there have been several confirmed sightings of humpback whales in the northeastern Chukchi Sea in recent years (Aerts *et al.,* 2013; Clarke *et al.,* 2013). The first confirmed sighting of a humpback whale in the Beaufort Sea was recorded in August 2007 (Hashagen *et al.,* 2009) when a cow and calf were observed 54 mi east of Point Barrow. No additional sightings have been documented in the Beaufort Sea. Narwhal are common in the waters of northern Canada, west Greenland, and in the European Arctic, but rarely occur in the Beaufort Sea (COSEWIC, 2004). Only a handful of sightings have occurred in Alaskan waters (Allen and Angliss, 2013). These three species are not considered further in this proposed IHA notice. Both the walrus and the polar bear could occur in the U.S. Beaufort Sea; however, these species are managed by the U.S. Fish and Wildlife Service (USFWS) and are not considered further in this Notice of Proposed IHA.

The Beaufort Sea is a main corridor of the bowhead whale migration route. The main migration periods occur in spring from April to June and in fall from late August/early September through October to early November. During the fall migration, several locations in the U.S. Beaufort Sea serve as feeding grounds for bowhead whales. Small numbers of bowhead whales that remain in the U.S. Arctic Ocean during summer also feed in these areas. The U.S. Beaufort Sea is not a main feeding or calving area for any other cetacean species. Ringed seals breed and pup in the Beaufort Sea; however, this does not occur during the summer or early fall. Further information on the biology and local distribution of these species can be found in BP's application (see **ADDRESSES**) and the NMFS Marine Mammal Stock Assessment Reports, which are available online at: *http://www.nmfs.noaa.gov/pr/species/.*

Potential Effects of the Specified Activity on Marine Mammals

This section includes a summary and discussion of the ways that the types of stressors associated with the specified activity (e.g., seismic airgun, sidescan sonar, subbottom profiler, vessel movement) have been observed to or are thought to impact marine mammals. This section may include a discussion of known effects that do not rise to the level of an MMPA take (for example, with acoustics, we may include a discussion of studies that showed animals not reacting at all to sound or exhibiting barely measurable avoidance). The discussion may also include reactions that we consider to rise to the level of a take and those that we do not consider to rise to the level of a take. This section is intended as a background of potential effects and does not consider either the specific manner in which this activity will be carried out or the mitigation that will be implemented or how either of those will shape the anticipated impacts from this specific activity. The ''Estimated Take by Incidental Harassment'' section later in this document will include a

quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis'' section will include the analysis of how this specific activity will impact marine mammals and will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, the ''Mitigation'' section, and the ''Anticipated Effects on Marine Mammal Habitat'' section to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and from that on the affected marine mammal populations or stocks.

Background on Sound

Sound is a physical phenomenon consisting of minute vibrations that travel through a medium, such as air or water, and is generally characterized by several variables. Frequency describes the sound's pitch and is measured in hertz (Hz) or kilohertz (kHz), while sound level describes the sound's intensity and is measured in decibels (dB). Sound level increases or decreases exponentially with each dB of change. The logarithmic nature of the scale means that each 10-dB increase is a 10-fold increase in acoustic power (and a 20-dB increase is then a 100-fold increase in power). A 10-fold increase in acoustic power does not mean that the sound is perceived as being 10 times louder, however. Sound levels are compared to a reference sound pressure (micro-Pascal) to identify the medium. For air and water, these reference pressures are ''re: 20 μPa'' and ''re: 1 μPa,'' respectively. Root mean square (RMS) is the quadratic mean sound pressure over the duration of an impulse. RMS is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick, 1975). RMS accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper, 2005). This measurement is often used in the context of discussing behavioral effects, in part, because behavioral effects, which often result from auditory cues, may be better expressed through averaged units rather than by peak pressures.

Acoustic Impacts

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Based on available behavioral data, audiograms have been derived using auditory evoked potentials, anatomical modeling, and other data, Southall *et al.* (2007) designate ''functional hearing groups'' for marine mammals and estimate the lower and upper frequencies of functional hearing of the groups. The functional groups and the associated frequencies are indicated below (though animals are less sensitive to sounds at the outer edge of their functional range and most sensitive to sounds of frequencies within a smaller range somewhere in the middle of their functional hearing range):

- Low frequency cetaceans (13 species of mysticetes): Functional hearing is estimated to occur between approximately 7 Hz and 30 kHz;
- Mid-frequency cetaceans (32 species of dolphins, six species of larger toothed whales, and 19 species of beaked and bottlenose whales): Functional hearing is estimated to occur between approximately 150 Hz and 160 kHz;
- High frequency cetaceans (eight species of true porpoises, six species of river dolphins, Kogia, the franciscana, and four species of cephalorhynchids): Functional hearing is estimated to occur between approximately 200 Hz and 180 kHz;
- Phocid pinnipeds in Water: Functional hearing is estimated to occur between approximately 75 Hz and 100 kHz; and
- Otariid pinnipeds in Water: Functional hearing is estimated to occur between approximately 100 Hz and 40 kHz.

As mentioned previously in this document, nine marine mammal species (five cetaceans and four phocid pinnipeds) may occur in the proposed seismic survey area. Of the five cetacean species likely to occur in the proposed project area and for which take is requested, two are classified as low-frequency cetaceans (i.e., bowhead and gray whales), two are classified as mid-frequency cetaceans (i.e., beluga and killer whales), and one is classified as a high-frequency cetacean (i.e., harbor porpoise) (Southall *et al.,* 2007). A species functional hearing group is a consideration when we analyze the effects of exposure to sound on marine mammals.

1. Tolerance

Numerous studies have shown that underwater sounds from industry activities are often readily detectable by marine mammals in the water at distances of many kilometers. Numerous studies have also shown that marine mammals at distances more than a few kilometers away often show no apparent response to industry activities of various types (Miller *et al.,* 2005; Bain and Williams, 2006). This is often true even in cases when the sounds must be readily audible to the animals based on measured received levels and the hearing sensitivity of that mammal group. Although various baleen whales, toothed whales, and (less frequently) pinnipeds have been shown to react behaviorally to underwater sound such as airgun pulses or vessels under some conditions, at other times mammals of all three types have shown no overt reactions (e.g., Malme *et al.,* 1986; Richardson *et al.,* 1995; Madsen and Mohl, 2000; Croll *et al.,* 2001; Jacobs and Terhune, 2002; Madsen *et al.,* 2002; Miller *et al.,* 2005). Weir (2008) observed marine mammal responses to seismic pulses from a 24 airgun array firing a total volume of either 5,085 in^3 or 3,147 in^3 in Angolan waters between August 2004 and May 2005. Weir recorded a total of 207 sightings of humpback whales (n = 66), sperm whales (n = 124), and Atlantic spotted dolphins (n = 17) and reported that there were no significant differences in encounter rates (sightings/hr) for humpback and sperm whales according to the airgun array's operational status (i.e., active versus silent). The airgun arrays used in the Weir (2008) study were much larger than the array proposed for use during this proposed survey (total discharge volume of 30 in^3). In general, pinnipeds and small odontocetes seem to be more tolerant of exposure to some types of underwater sound than are baleen whales. Richardson *et al.* (1995) found that vessel noise does not seem to strongly affect pinnipeds that are already in the water. Richardson *et al.* (1995) went on to explain that seals on haul-outs sometimes respond strongly to the presence of vessels and at other times appear to show considerable tolerance of vessels.

2. Masking

Masking is the obscuring of sounds of interest by other sounds, often at similar frequencies. Marine mammals use acoustic signals for a variety of purposes, which differ among species, but include communication between individuals, navigation, foraging, reproduction, avoiding predators, and learning about their environment (Erbe and Farmer, 2000; Tyack, 2000). Masking, or auditory interference, generally occurs when sounds in the environment are louder than, and of a similar frequency as, auditory signals an animal is trying to receive. Masking is a phenomenon that affects animals that

are trying to receive acoustic information about their environment, including sounds from other members of their species, predators, prey, and sounds that allow them to orient in their environment. Masking these acoustic signals can disturb the behavior of individual animals, groups of animals, or entire populations.

Masking occurs when anthropogenic sounds and signals (that the animal utilizes) overlap at both spectral and temporal scales. For the airgun sound generated from the proposed seismic survey, sound will consist of low frequency (under 500 Hz) pulses with extremely short durations (less than one second). Lower frequency man-made sounds are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey noise. There is little concern regarding masking near the sound source due to the brief duration of these pulses and relatively longer silence between airgun shots (approximately 3–4 seconds). However, at long distances (over tens of kilometers away), due to multipath propagation and reverberation, the durations of airgun pulses can be ''stretched'' to seconds with long decays (Madsen *et al.,* 2006), although the intensity of the sound is greatly reduced.

This could affect communication signals used by low frequency mysticetes when they occur near the noise band and thus reduce the communication space of animals (e.g., Clark *et al.,* 2009) and cause increased stress levels (e.g., Foote *et al.,* 2004; Holt *et al.,* 2009). Marine mammals are thought to be able to compensate for masking by adjusting their acoustic behavior by shifting call frequencies, and/or increasing call volume and vocalization rates. For example, blue whales are found to increase call rates when exposed to seismic survey noise in the St. Lawrence Estuary (Di Iorio and Clark, 2010). The North Atlantic right whales exposed to high shipping noise increase call frequency (Parks *et al.,* 2007), while some humpback whales respond to low-frequency active sonar playbacks by increasing song length (Miller *el al.,* 2000). Bowhead whale calls are frequently detected in the presence of seismic pulses, although the number of calls detected may sometimes be reduced (Richardson *et al.,* 1986; Greene *et al.,* 1999), possibly because animals moved away from the sound source or ceased calling (Blackwell *et al.,* 2013). Additionally, beluga whales have been known to change their vocalizations in the presence of high background noise possibly to avoid masking calls (Au *et al.,* 1985; Lesage *et al.,* 1999; Scheifele *et al.,* 2005). Although some degree of masking is inevitable when high levels of manmade broadband sounds are introduced into the sea, marine mammals have evolved systems and behavior that function to reduce the impacts of masking. Structured signals, such as the echolocation click sequences of small toothed whales, may be readily detected even in the presence of strong background noise because their frequency content and temporal features usually differ strongly from those of the background noise (Au and Moore, 1988, 1990). The components of background noise that are similar in frequency to the sound signal in question primarily determine the degree of masking of that signal.

Redundancy and context can also facilitate detection of weak signals. These phenomena may help marine mammals detect weak sounds in the presence of natural or manmade noise. Most masking studies in marine mammals present the test signal and the masking noise from the same direction. The sound localization abilities of marine mammals suggest that, if signal and noise come from different directions, masking would not be as severe as the usual types of masking studies might suggest (Richardson *et al.,* 1995). The dominant background noise may be highly directional if it comes from a particular anthropogenic source such as a ship or industrial site. Directional hearing may significantly reduce the masking effects of these sounds by improving the effective signal-to-noise ratio. In the cases of higher frequency hearing by the bottlenose dolphin, beluga whale, and killer whale, empirical evidence confirms that masking depends strongly on the relative directions of arrival of sound signals and the masking noise (Penner *et al.,* 1986; Dubrovskiy, 1990; Bain *et al.,* 1993; Bain and Dahlheim, 1994). Toothed whales, and probably other marine mammals as well, have additional capabilities besides directional hearing that can facilitate detection of sounds in the presence of background noise. There is evidence that some toothed whales can shift the dominant frequencies of their echolocation signals from a frequency range with a lot of ambient noise toward frequencies with less noise (Au *et al.,* 1974, 1985; Moore and Pawloski, 1990; Thomas and Turl, 1990; Romanenko and Kitain, 1992; Lesage *et al.,* 1999). A few marine mammal species are known to increase the source levels or alter the frequency of their calls in the presence of elevated sound levels (Dahlheim, 1987; Au, 1993; Lesage *et al.,* 1993, 1999; Terhune, 1999; Foote *et al.,* 2004; Parks *et al.,* 2007, 2009; Di Iorio and Clark, 2009; Holt *et al.,* 2009).

These data demonstrating adaptations for reduced masking pertain mainly to the very high frequency echolocation signals of toothed whales. There is less information about the existence of corresponding mechanisms at moderate or low frequencies or in other types of marine mammals. For example, Zaitseva *et al.* (1980) found that, for the bottlenose dolphin, the angular separation between a sound source and a masking noise source had little effect on the degree of masking when the sound frequency was 18 kHz, in contrast to the pronounced effect at higher frequencies. Directional hearing has been demonstrated at frequencies as low as 0.5–2 kHz in several marine mammals, including killer whales (Richardson *et al.,* 1995). This ability may be useful in reducing masking at these frequencies. In summary, high levels of sound generated by anthropogenic activities may act to mask the detection of weaker biologically important sounds by some marine mammals. This masking may be more prominent for lower frequencies. For higher frequencies, such as that used in echolocation by toothed whales, several mechanisms are available that may allow them to reduce the effects of such masking.

3. Behavioral Disturbance

Marine mammals may behaviorally react when exposed to anthropogenic sound. These behavioral reactions are often shown as: changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where sound sources are located; and/or flight responses (e.g., pinnipeds flushing into water from haulouts or rookeries).

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, the consequences of behavioral modification have the potential to be biologically significant if the change affects growth, survival, or reproduction. Examples of significant behavioral modifications include:

• Drastic change in diving/surfacing patterns (such as those thought to be causing beaked whale stranding due to

exposure to military mid-frequency tactical sonar);

- Habitat abandonment due to loss of desirable acoustic environment; and
- Cessation of feeding or social interaction.

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography, current activity, reproductive state) and is also difficult to predict (Gordon *et al.,* 2004; Southall *et al.,* 2007; Ellison *et al.,* 2011).

Mysticetes: Baleen whales generally tend to avoid operating airguns, but avoidance radii are quite variable. Whales are often reported to show no overt reactions to pulses from large arrays of airguns at distances beyond a few kilometers, even though the airgun pulses remain well above ambient noise levels out to much greater distances (Miller *et al.,* 2005). However, baleen whales exposed to strong noise pulses often react by deviating from their normal migration route (Richardson *et al.,* 1999). Migrating gray and bowhead whales were observed avoiding the sound source by displacing their migration route to varying degrees but within the natural boundaries of the migration corridors (Schick and Urban, 2000; Richardson *et al.,* 1999; Malme *et al.,* 1983). Baleen whale responses to pulsed sound however may depend on the type of activity in which the whales are engaged. Some evidence suggests that feeding bowhead whales may be more tolerant of underwater sound than migrating bowheads (Miller *et al.,* 2005; Lyons *et al.,* 2009; Christie *et al.,* 2010).

Results of studies of gray, bowhead, and humpback whales have determined that received levels of pulses in the 160–170 dB re 1 μPa rms range seem to cause obvious avoidance behavior in a substantial fraction of the animals exposed. In many areas, seismic pulses from large arrays of airguns diminish to those levels at distances ranging from 2.8–9 mi (4.5–14.5 km) from the source. For the much smaller airgun array used during BP's proposed survey (total discharge volume of 30 in^3), the distance to received levels in the 160 dB re 1 μPa rms range is estimated to be 1 mi (1.6 km). Baleen whales within those distances may show avoidance or other strong disturbance reactions to the airgun array. Subtle behavioral changes sometimes become evident at somewhat lower received levels, and recent studies have shown that some species of baleen whales, notably bowhead and humpback whales, at times show strong avoidance at received levels lower than 160–170 dB re 1 μPa rms. Bowhead whales migrating west across the Alaskan Beaufort Sea in autumn, in particular, are unusually responsive, with avoidance occurring out to distances of 12.4–18.6 mi (20–30 km) from a medium-sized airgun source (Miller *et al.,* 1999; Richardson *et al.,* 1999). However, more recent research on bowhead whales (Miller *et al.,* 2005) corroborates earlier evidence that, during the summer feeding season, bowheads are not as sensitive to seismic sources. In summer, bowheads typically begin to show avoidance reactions at a received level of about 160–170 dB re 1 μPa rms (Richardson et al., 1986; Ljungblad *et al.,* 1988; Miller *et al.,* 2005).

Malme *et al.* (1986, 1988) studied the responses of feeding eastern gray whales to pulses from a single 100 in^3 airgun off St. Lawrence Island in the northern Bering Sea. They estimated, based on small sample sizes, that 50% of feeding gray whales ceased feeding at an average received pressure level of 173 dB re 1 μPa on an (approximate) rms basis, and that 10% of feeding whales interrupted feeding at received levels of 163 dB. Those findings were generally consistent with the results of experiments conducted on larger numbers of gray whales that were migrating along the California coast and on observations of the distribution of feeding Western Pacific gray whales off Sakhalin Island, Russia, during a seismic survey (Yazvenko *et al.,* 2007).

Data on short-term reactions (or lack of reactions) of cetaceans to impulsive noises do not necessarily provide information about long-term effects. While it is not certain whether impulsive noises affect reproductive rate or distribution and habitat use in subsequent days or years, certain species have continued to use areas ensonified by airguns and have continued to increase in number despite successive years of anthropogenic activity in the area. Gray whales continued to migrate annually along the west coast of North America despite intermittent seismic exploration and much ship traffic in that area for decades (Appendix A in Malme *et al.,* 1984). Bowhead whales continued to travel to the eastern Beaufort Sea each summer despite seismic exploration in their summer and autumn range for many years (Richardson *et al.,* 1987). Populations of both gray whales and bowhead whales grew substantially during this time. In any event, the proposed survey will occur in summer (July through late August) when most bowhead whales are commonly feeding in the Mackenzie River Delta, Canada.

Patenaude *et al.* (2002) reported fewer behavioral responses to aircraft overflights by bowhead compared to beluga whales. Behaviors classified as reactions consisted of short surfacings, immediate dives or turns, changes in behavior state, vigorous swimming, and breaching. Most bowhead reaction resulted from exposure to helicopter activity and little response to fixed-wing aircraft was observed. Most reactions occurred when the helicopter was at altitudes ≤492 ft (150 m) and lateral distances ≤820 ft (250 m; Nowacek *et al.,* 2007).

During their study, Patenaude *et al.* (2002) observed one bowhead whale cow-calf pair during four passes totaling 2.8 hours of the helicopter and two pairs during Twin Otter overflights. All of the helicopter passes were at altitudes of 49–98 ft (15–30 m). The mother dove both times she was at the surface, and the calf dove once out of the four times it was at the surface. For the cow-calf pair sightings during Twin Otter overflights, the authors did not note any behaviors specific to those pairs. Rather, the reactions of the cow-calf pairs were lumped with the reactions of other groups that did not consist of calves.

Richardson *et al.* (1995) and Moore and Clarke (2002) reviewed a few studies that observed responses of gray whales to aircraft. Cow-calf pairs were quite sensitive to a turboprop survey flown at 1,000 ft (305 m) altitude on the Alaskan summering grounds. In that survey, adults were seen swimming over the calf, or the calf swam under the adult (Ljungblad *et al.,* 1983, cited in Richardson *et al.,* 1995 and Moore and Clarke, 2002). However, when the same aircraft circled for more than 10 minutes at 1,050 ft (320 m) altitude over a group of mating gray whales, no reactions were observed (Ljungblad *et al.,* 1987, cited in Moore and Clarke, 2002). Malme *et al.* (1984, cited in Richardson *et al.,* 1995 and Moore and Clarke, 2002) conducted playback experiments on migrating gray whales. They exposed the animals to underwater noise recorded from a Bell 212 helicopter (estimated altitude = 328 ft [100 m]), at an average of three simulated passes per minute. The authors observed that whales changed their swimming course and sometimes slowed down in response to the playback sound but proceeded to migrate past the transducer. Migrating gray whales did not react overtly to a Bell 212 helicopter at greater than 1,394 ft (425 m) altitude, occasionally reacted when the helicopter was at 1,000–1,198 ft (305–365 m), and usually reacted when it was below 825 ft (250 m; Southwest Research Associates, 1988, cited in

Richardson *et al.,* 1995 and Moore and Clarke, 2002). Reactions noted in that study included abrupt turns or dives or both. Green *et al.* (1992, cited in Richardson *et al.,* 1995) observed that migrating gray whales rarely exhibited noticeable reactions to a straight-line overflight by a Twin Otter at 197 ft (60 m) altitude.

Odontocetes: Few systematic data are available describing reactions of toothed whales to noise pulses. However, systematic work on sperm whales is underway (Tyack *et al.,* 2003), and there is an increasing amount of information about responses of various odontocetes to seismic surveys based on monitoring studies (e.g., Stone, 2003; Smultea *et al.,* 2004; Moulton and Miller, 2005). Miller *et al.* (2009) conducted at-sea experiments where reactions of sperm whales were monitored through the use of controlled sound exposure experiments from large airgun arrays consisting of 20-guns and 31-guns. Of 8 sperm whales observed, none changed their behavior when exposed to either a ramp-up at 4–8 mi (7–13 km) or full array exposures at 0.6–8 mi (1–13 km).

Seismic operators and marine mammal observers sometimes see dolphins and other small toothed whales near operating airgun arrays, but, in general, there seems to be a tendency for most delphinids to show some limited avoidance of seismic vessels operating large airgun systems. However, some dolphins seem to be attracted to the seismic vessel and floats, and some ride the bow wave of the seismic vessel even when large arrays of airguns are firing. Nonetheless, there have been indications that small toothed whales sometimes move away or maintain a somewhat greater distance from the vessel when a large array of airguns is operating than when it is silent (e.g., Goold, 1996a,b,c; Calambokidis and Osmek, 1998; Stone, 2003). The beluga may be a species that (at least in certain geographic areas) shows long-distance avoidance of seismic vessels. Aerial surveys during seismic operations in the southeastern Beaufort Sea recorded much lower sighting rates of beluga whales within 10–20 km (6.2–12.4 mi) of an active seismic vessel. These results were consistent with the low number of beluga sightings reported by observers aboard the seismic vessel, suggesting that some belugas might have been avoiding the seismic operations at distances of 10–20 km (6.2–12.4 mi) (Miller *et al.,* 2005).

Captive bottlenose dolphins and (of more relevance in this project) beluga whales exhibit changes in behavior when exposed to strong pulsed sounds similar in duration to those typically used in seismic surveys (Finneran *et al.,* 2002, 2005). However, the animals tolerated high received levels of sound (pk-pk level >200 dB re 1 μPa) before exhibiting aversive behaviors.

Observers stationed on seismic vessels operating off the United Kingdom from 1997–2000 have provided data on the occurrence and behavior of various toothed whales exposed to seismic pulses (Stone, 2003; Gordon *et al.,* 2004). Killer whales were found to be significantly farther from large airgun arrays during periods of shooting compared with periods of no shooting. The displacement of the median distance from the array was approximately 0.5 km (0.3 mi) or more. Killer whales also appear to be more tolerant of seismic shooting in deeper water.

Reactions of toothed whales to large arrays of airguns are variable and, at least for delphinids, seem to be confined to a smaller radius than has been observed for mysticetes. However, based on the limited existing evidence, belugas should not be grouped with delphinids in the ''less responsive'' category.

Patenaude *et al.* (2002) reported that beluga whales appeared to be more responsive to aircraft overflights than bowhead whales. Changes were observed in diving and respiration behavior, and some whales veered away when a helicopter passed at ≤820 ft (250 m) lateral distance at altitudes up to 492 ft (150 m). However, some belugas showed no reaction to the helicopter. Belugas appeared to show less response to fixed-wing aircraft than to helicopter overflights.

Pinnipeds: Pinnipeds are not likely to show a strong avoidance reaction to the airgun sources proposed for use. Visual monitoring from seismic vessels has shown only slight (if any) avoidance of airguns by pinnipeds and only slight (if any) changes in behavior. Monitoring work in the Alaskan Beaufort Sea during 1996–2001 provided considerable information regarding the behavior of Arctic ice seals exposed to seismic pulses (Harris *et al.,* 2001; Moulton and Lawson, 2002). These seismic projects usually involved arrays of 6 to 16 airguns with total volumes of 560 to 1,500 in^3. The combined results suggest that some seals avoid the immediate area around seismic vessels. In most survey years, ringed seal sightings tended to be farther away from the seismic vessel when the airguns were operating than when they were not (Moulton and Lawson, 2002). However, these avoidance movements were relatively small, on the order of 100 m (328 ft) to a few hundreds of meters, and many seals remained within 100–200 m (328–656 ft) of the trackline as the operating airgun array passed by. Seal sighting rates at the water surface were lower during airgun array operations than during no-airgun periods in each survey year except 1997. Similarly, seals are often very tolerant of pulsed sounds from seal-scaring devices (Mate and Harvey, 1987; Jefferson and Curry, 1994; Richardson *et al.,* 1995). However, initial telemetry work suggests that avoidance and other behavioral reactions by two other species of seals to small airgun sources may at times be stronger than evident to date from visual studies of pinniped reactions to airguns (Thompson *et al.,* 1998). Even if reactions of the species occurring in the present study area are as strong as those evident in the telemetry study, reactions are expected to be confined to relatively small distances and durations, with no long-term effects on pinniped individuals or populations.

Blackwell *et al.* (2004) observed 12 ringed seals during low-altitude overflights of a Bell 212 helicopter at Northstar in June and July 2000 (9 observations took place concurrent with pipe-driving activities). One seal showed no reaction to the aircraft while the remaining 11 (92%) reacted, either by looking at the helicopter (n = 10) or by departing from their basking site (n = 1). Blackwell *et al.* (2004) concluded that none of the reactions to helicopters were strong or long lasting, and that seals near Northstar in June and July 2000 probably had habituated to industrial sounds and visible activities that had occurred often during the preceding winter and spring. There have been few systematic studies of pinniped reactions to aircraft overflights, and most of the available data concern pinnipeds hauled out on land or ice rather than pinnipeds in the water (Richardson *et al.,* 1995; Born *et al.,* 1999).

4. Threshold Shift (Noise-Induced Loss of Hearing)

When animals exhibit reduced hearing sensitivity (i.e., sounds must be louder for an animal to detect them) following exposure to an intense sound or sound for long duration, it is referred to as a noise-induced threshold shift (TS). An animal can experience temporary threshold shift (TTS) or permanent threshold shift (PTS). TTS can last from minutes or hours to days (i.e., there is complete recovery), can occur in specific frequency ranges (i.e., an animal might only have a temporary loss of hearing sensitivity between the frequencies of 1 and 10 kHz), and can

be of varying amounts (for example, an animal's hearing sensitivity might be reduced initially by only 6 dB or reduced by 30 dB). PTS is permanent, but some recovery is possible. PTS can also occur in a specific frequency range and amount as mentioned above for TTS.

The following physiological mechanisms are thought to play a role in inducing auditory TS: Effects to sensory hair cells in the inner ear that reduce their sensitivity, modification of the chemical environment within the sensory cells, residual muscular activity in the middle ear, displacement of certain inner ear membranes, increased blood flow, and post-stimulatory reduction in both efferent and sensory neural output (Southall *et al.,* 2007). The amplitude, duration, frequency, temporal pattern, and energy distribution of sound exposure all can affect the amount of associated TS and the frequency range in which it occurs. As amplitude and duration of sound exposure increase, so, generally, does the amount of TS, along with the recovery time. For intermittent sounds, less TS could occur than compared to a continuous exposure with the same energy (some recovery could occur between intermittent exposures depending on the duty cycle between sounds) (Kryter *et al.,* 1966; Ward, 1997). For example, one short but loud (higher SPL) sound exposure may induce the same impairment as one longer but softer sound, which in turn may cause more impairment than a series of several intermittent softer sounds with the same total energy (Ward, 1997). Additionally, though TTS is temporary, prolonged exposure to sounds strong enough to elicit TTS, or shorter-term exposure to sound levels well above the TTS threshold, can cause PTS, at least in terrestrial mammals (Kryter, 1985). Although in the case of the proposed shallow geohazard survey, animals are not expected to be exposed to sound levels for durations long enough to result in PTS.

PTS is considered auditory injury (Southall *et al.,* 2007). Irreparable damage to the inner or outer cochlear hair cells may cause PTS; however, other mechanisms are also involved, such as exceeding the elastic limits of certain tissues and membranes in the middle and inner ears and resultant changes in the chemical composition of the inner ear fluids (Southall *et al.,* 2007).

Although the published body of scientific literature contains numerous theoretical studies and discussion papers on hearing impairments that can occur with exposure to a loud sound, only a few studies provide empirical information on the levels at which noise-induced loss in hearing sensitivity occurs in nonhuman animals. For marine mammals, published data are limited to the captive bottlenose dolphin, beluga, harbor porpoise, and Yangtze finless porpoise (Finneran *et al.,* 2000, 2002b, 2003, 2005a, 2007, 2010a, 2010b; Finneran and Schlundt, 2010; Lucke *et al.,* 2009; Mooney *et al.,* 2009a, 2009b; Popov *et al.,* 2011a, 2011b; Kastelein *et al.,* 2012a; Schlundt *et al.,* 2000; Nachtigall *et al.,* 2003, 2004). For pinnipeds in water, data are limited to measurements of TTS in harbor seals, an elephant seal, and California sea lions (Kastak *et al.,* 1999, 2005; Kastelein *et al.,* 2012b).

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (i.e., recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. Also, depending on the degree and frequency range, the effects of PTS on an animal could range in severity, although it is considered generally more serious because it is a permanent condition. Of note, reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Marine mammals are unlikely to be exposed to received levels of seismic pulses strong enough to cause more than slight TTS, and, given the higher level of sound necessary to cause PTS, it is even less likely that PTS could occur as a result of the proposed shallow geohazard survey.

5. Non-Auditory Physical Effects

Non-auditory physical effects might occur in marine mammals exposed to strong underwater sound. Possible types of non-auditory physiological effects or injuries that theoretically might occur in mammals close to a strong sound source include stress, neurological effects, bubble formation, and other types of organ or tissue damage. Some marine mammal species (i.e., beaked whales) may be especially susceptible to injury and/or stranding when exposed to strong pulsed sounds.

Classic stress responses begin when an animal's central nervous system perceives a potential threat to its homeostasis. That perception triggers stress responses regardless of whether a stimulus actually threatens the animal; the mere perception of a threat is sufficient to trigger a stress response (Moberg, 2000; Sapolsky *et al.,* 2005; Seyle, 1950). Once an animal's central nervous system perceives a threat, it mounts a biological response or defense that consists of a combination of the four general biological defense responses: Behavioral responses; autonomic nervous system responses; neuroendocrine responses; or immune responses.

In the case of many stressors, an animal's first and most economical (in terms of biotic costs) response is behavioral avoidance of the potential stressor or avoidance of continued exposure to a stressor. An animal's second line of defense to stressors involves the sympathetic part of the autonomic nervous system and the classical ''fight or flight'' response, which includes the cardiovascular system, the gastrointestinal system, the exocrine glands, and the adrenal medulla to produce changes in heart rate, blood pressure, and gastrointestinal activity that humans commonly associate with ''stress.'' These responses have a relatively short duration and may or may not have significant long-term effects on an animal's welfare.

An animal's third line of defense to stressors involves its neuroendocrine or sympathetic nervous systems; the system that has received the most study has been the hypothalmus-pituitary-adrenal system (also known as the HPA axis in mammals or the hypothalamus-pituitary-interrenal axis in fish and some reptiles). Unlike stress responses associated with the autonomic nervous system, virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction (Moberg, 1987; Rivier, 1995), altered metabolism (Elasser *et al.,* 2000), reduced immune competence (Blecha,

2000), and behavioral disturbance. Increases in the circulation of glucocorticosteroids (cortisol, corticosterone, and aldosterone in marine mammals; see Romano *et al.,* 2004) have been equated with stress for many years.

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and distress is the biotic cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose a risk to the animal's welfare. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other biotic functions, which impair those functions that experience the diversion. For example, when mounting a stress response diverts energy away from growth in young animals, those animals may experience stunted growth. When mounting a stress response diverts energy from a fetus, an animal's reproductive success and fitness will suffer. In these cases, the animals will have entered a pre-pathological or pathological state which is called ''distress'' (sensu Seyle, 1950) or ''allostatic loading'' (sensu McEwen and Wingfield, 2003). This pathological state will last until the animal replenishes its biotic reserves sufficient to restore normal function. Note that these examples involved a long-term (days or weeks) stress response exposure to stimuli.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses have also been documented fairly well through controlled experiment; because this physiology exists in every vertebrate that has been studied, it is not surprising that stress responses and their costs have been documented in both laboratory and free-living animals (for examples see, Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005; Reneerkens *et al.,* 2002; Thompson and Hamer, 2000). Although no information has been collected on the physiological responses of marine mammals to anthropogenic sound exposure, studies of other marine animals and terrestrial animals would lead us to expect some marine mammals to experience physiological stress responses and, perhaps, physiological responses that would be classified as ''distress'' upon exposure to anthropogenic sounds.

For example, Jansen (1998) reported on the relationship between acoustic exposures and physiological responses that are indicative of stress responses in humans (e.g., elevated respiration and increased heart rates). Jones (1998) reported on reductions in human performance when faced with acute, repetitive exposures to acoustic disturbance. Trimper *et al.* (1998) reported on the physiological stress responses of osprey to low-level aircraft noise while Krausman *et al.* (2004) reported on the auditory and physiology stress responses of endangered Sonoran pronghorn to military overflights. Smith *et al.* (2004a, 2004b) identified noise-induced physiological transient stress responses in hearing-specialist fish (i.e., goldfish) that accompanied short- and long-term hearing losses. Welch and Welch (1970) reported physiological and behavioral stress responses that accompanied damage to the inner ears of fish and several mammals.

Hearing is one of the primary senses marine mammals use to gather information about their environment and communicate with conspecifics. Although empirical information on the relationship between sensory impairment (TTS, PTS, and acoustic masking) on marine mammals remains limited, we assume that reducing a marine mammal's ability to gather information about its environment and communicate with other members of its species would induce stress, based on data that terrestrial animals exhibit those responses under similar conditions (NRC, 2003) and because marine mammals use hearing as their primary sensory mechanism. Therefore, we assume that acoustic exposures sufficient to trigger onset PTS or TTS would be accompanied by physiological stress responses. More importantly, marine mammals might experience stress responses at received levels lower than those necessary to trigger onset TTS. Based on empirical studies of the time required to recover from stress responses (Moberg, 2000), NMFS also assumes that stress responses could persist beyond the time interval required for animals to recover from TTS and might result in pathological and pre-pathological states that would be as significant as behavioral responses to TTS.

Resonance effects (Gentry, 2002) and direct noise-induced bubble formations (Crum *et al.,* 2005) are implausible in the case of exposure to an impulsive broadband source like an airgun array. If seismic surveys disrupt diving patterns of deep-diving species, this might result in bubble formation and a form of the bends, as speculated to occur in beaked whales exposed to sonar. However, there is no specific evidence of this upon exposure to airgun pulses. Additionally, no beaked whale species occur in the proposed project area.

In general, very little is known about the potential for strong, anthropogenic underwater sounds to cause non-auditory physical effects in marine mammals. Such effects, if they occur at all, would presumably be limited to short distances and to activities that extend over a prolonged period. The available data do not allow identification of a specific exposure level above which non-auditory effects can be expected (Southall *et al.,* 2007) or any meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in those ways. There is no definitive evidence that any of these effects occur even for marine mammals in close proximity to large arrays of airguns, which are not proposed for use during this program. In addition, marine mammals that show behavioral avoidance of industry activities, including bowheads, belugas, and some pinnipeds, are especially unlikely to incur non-auditory impairment or other physical effects.

6. Stranding and Mortality

Marine mammals close to underwater detonations of high explosive can be killed or severely injured, and the auditory organs are especially susceptible to injury (Ketten *et al.,* 1993; Ketten, 1995). Airgun pulses are less energetic and their peak amplitudes have slower rise times. To date, there is no evidence that serious injury, death, or stranding by marine mammals can occur from exposure to airgun pulses, even in the case of large airgun arrays. Additionally, BP's project will use a very small airgun array in shallow water. NMFS does not expect any marine mammals will incur serious injury or mortality in the shallow waters of Foggy Island Bay or strand as a result of the proposed shallow geohazard survey.

7. Potential Effects From Sonar Systems on Marine Mammals

The multibeam echosounder proposed for use during BP's survey does not produce frequencies within the hearing range of marine mammals. Exposure to sounds generated by this instrument, therefore, does not present a risk of potential physiological damage, hearing impairment, and/or behavioral responses.

The sidescan sonar does not produce frequencies within the hearing range of

mysticetes and ice seals, but when operating at 110–135 kHz could be audible by mid- and high-frequency cetaceans, depending on the strength of the signal. However, when it operates at the much higher frequencies greater than 400 kHz, it is outside of the hearing range of all marine mammals. The signal from side scan sonars is narrow, typically in the form of a conical beam projected directly below the vessel. Based on previous measurements of a sidescan sonar working at similar frequencies in deeper water, distances to sound levels of 190 and 180 dB re 1 μPa (rms) were 22 and 47 m, respectively (Warner and McCrodan, 2011). It is unlikely that an animal would be exposed for an extended time to a signal strong enough for TTS or PTS to occur, unless the animal is present within the beam under the vessel and swimming with the same speed and direction. The distance at which beluga whales could react behaviorally to the sidescan sonar signal is about 200 m (Warner and McCrodan, 2011). However, the response, if it occurs at all, is expected to be short term. Masking is unlikely to occur due to the nature of the signal and because beluga whales and ice seals generally vocalize at frequencies lower than 100 kHz.

Subbottom profilers will be audible to all three hearing classes of marine mammals that occur in the project area. Based on previous measurements of various subbottom profilers, the rms sound pressure level does not reach 180 dB re 1 μPa (Funk *et al.,* 2008; Ireland *et al.,* 2009; Warner and McCrodan, 2011). Distances to sound levels that could result in mild behavioral responses, such as avoidance, ranged from 1 to 30 m. Masking is unlikely due to the low duty cycle, directionality, and brief period when an individual mammal is likely to be within the beam. Additionally, the higher frequencies of the instrument are unlikely to overlap with the lower frequency calls by mysticetes.

Some stranding events of mid-frequency cetaceans were attributed to the presence of sonar surveys in the area (e.g., Southall *et al.,* 2006). Recently, an independent scientific review panel concluded that the mass stranding of approximately 100 melon-headed whales in northwest Madagascar in 2008 was primarily triggered by a multibeam echosounder system (Southall *et al.,* 2013), acknowledging that it was difficult to find evidence showing a direct cause-effect relationships. The multibeam echosounder proposed in this survey will operate at much higher frequencies, outside the hearing range of any marine mammal. The sidescan sonar and subbottom profiler are much less powerful. Considering the acoustic specifics of these instruments, the shallow water environment, the unlikely presence of toothed whales in the area, and planned mitigation measures, no marine mammal stranding or mortality are expected.

Vessel Impacts

Vessel activity and noise associated with vessel activity will temporarily increase in the action area during BP's survey as a result of the operation of one vessel. To minimize the effects of the vessel and noise associated with vessel activity, BP will alter speed if a marine mammal gets too close to a vessel. In addition, the vessel will be operating at slow speed (3–4 knots) when conducting surveys. Marine mammal monitoring observers will alert the vessel captain as animals are detected to ensure safe and effective measures are applied to avoid coming into direct contact with marine mammals. Therefore, NMFS neither anticipates nor authorizes takes of marine mammals from ship strikes.

McCauley *et al.* (1996) reported several cases of humpback whales responding to vessels in Hervey Bay, Australia. Results indicated clear avoidance at received levels between 118 to 124 dB in three cases for which response and received levels were observed/measured.

Palka and Hammond (2001) analyzed line transect census data in which the orientation and distance off transect line were reported for large numbers of minke whales. The authors developed a method to account for effects of animal movement in response to sighting platforms. Minor changes in locomotion speed, direction, and/or diving profile were reported at ranges from 1,847 to 2,352 ft (563 to 717 m) at received levels of 110 to 120 dB.

Odontocetes, such as beluga whales, killer whales, and harbor porpoises, often show tolerance to vessel activity; however, they may react at long distances if they are confined by ice, shallow water, or were previously harassed by vessels (Richardson *et al.,* 1995). Beluga whale response to vessel noise varies greatly from tolerance to extreme sensitivity depending on the activity of the whale and previous experience with vessels (Richardson *et al.,* 1995). Reactions to vessels depends on whale activities and experience, habitat, boat type, and boat behavior (Richardson *et al.,* 1995) and may include behavioral responses, such as altered headings or avoidance (Blane and Jaakson, 1994; Erbe and Farmer, 2000); fast swimming; changes in vocalizations (Lesage *et al.,* 1999; Scheifele *et al.,* 2005); and changes in dive, surfacing, and respiration patterns.

There are few data published on pinniped responses to vessel activity, and most of the information is anecdotal (Richardson *et al.,* 1995). Generally, sea lions in water show tolerance to close and frequently approaching vessels and sometimes show interest in fishing vessels. They are less tolerant when hauled out on land; however, they rarely react unless the vessel approaches within 100–200 m (330–660 ft; reviewed in Richardson *et al.,* 1995).

The addition of one vessel and noise due to vessel operations associated with the survey is not expected to have effects that could cause significant or long-term consequences for individual marine mammals or their populations.

Anticipated Effects on Marine Mammal Habitat

The primary potential impacts to marine mammal habitat and other marine species are associated with elevated sound levels produced by airguns and other active acoustic sources. This section describes the potential impacts to marine mammal habitat from the specified activity. Because the marine mammals in the area feed on fish and/or invertebrates there is also information on the species typically preyed upon by the marine mammals in the area.

Common Marine Mammal Prey in the Project Area

All of the marine mammal species that may occur in the proposed project area prey on either marine fish or invertebrates. The ringed seal feeds on fish and a variety of benthic species, including crabs and shrimp. Bearded seals feed mainly on benthic organisms, primarily crabs, shrimp, and clams. Spotted seals feed on pelagic and demersal fish, as well as shrimp and cephalopods. They are known to feed on a variety of fish including herring, capelin, sand lance, Arctic cod, saffron cod, and sculpins. Ribbon seals feed primarily on pelagic fish and invertebrates, such as shrimp, crabs, squid, octopus, cod, sculpin, pollack, and capelin. Juveniles feed mostly on krill and shrimp.

Bowhead whales feed in the eastern Beaufort Sea during summer and early autumn but continue feeding to varying degrees while on their migration through the central and western Beaufort Sea in the late summer and fall (Richardson and Thomson [eds.], 2002). When feeding in relatively shallow areas, bowheads feed throughout the

water column. However, feeding is concentrated at depths where zooplankton is concentrated (Wursig *et al.,* 1984, 1989; Richardson [ed.], 1987; Griffiths *et al.,* 2002). Lowry and Sheffield (2002) found that copepods and euphausiids were the most common prey found in stomach samples from bowhead whales harvested in the Kaktovik area from 1979 to 2000. Areas to the east of Barter Island (which is approximately 90 mi east of BP's proposed survey area) appear to be used regularly for feeding as bowhead whales migrate slowly westward across the Beaufort Sea (Thomson and Richardson, 1987; Richardson and Thomson [eds.], 2002).

Recent articles and reports have noted bowhead whales feeding in several areas of the U.S. Beaufort Sea. The Barrow area is commonly used as a feeding area during spring and fall, with a higher proportion of photographed individuals displaying evidence of feeding in fall rather than spring (Mocklin, 2009). A bowhead whale feeding ''hotspot'' (Okkonen *et al.,* 2011) commonly forms on the western Beaufort Sea shelf off Point Barrow in late summer and fall. Favorable conditions concentrate euphausiids and copepods, and bowhead whales congregate to exploit the dense prey (Ashjian *et al.,* 2010, Moore *et al.,* 2010; Okkonen *et al.,* 2011). Surveys have also noted bowhead whales feeding in the Camden Bay area during the fall (Koski and Miller, 2009; Quakenbush *et al.,* 2010).

The 2006–2008 BWASP Final Report (Clarke *et al.,* 2011a) and the 2009 BWASP Final Report (Clarke *et al.,* 2011b) note sightings of feeding bowhead whales in the Beaufort Sea during the fall season. During that 4 year period, the largest groups of feeding whales were sighted between Smith Bay and Point Barrow (hundreds of miles to the west of Prudhoe Bay), and none were sighted feeding in Camden Bay (Clarke *et al.,* 2011a,b). Clarke and Ferguson (undated) examined the raw BWASP data from the years 2000–2009. They noted that feeding behavior was noted more often in September than October and that while bowheads were observed feeding throughout the study area (which includes the entire U.S. Beaufort Sea), sightings were less frequent in the central Alaskan Beaufort than they were east of Kaktovik and west of Smith Bay. Additionally, Clarke and Ferguson (undated) and Clarke *et al.* (2011b) refer to information from Ashjian *et al.* (2010), which describes the importance of wind-driven currents that produce favorable feeding conditions for bowhead whales in the area between Smith Bay and Point Barrow. Increased winds in that area may be increasing the incidence of upwelling, which in turn may be the reason for increased sightings of feeding bowheads in the area. Clarke and Ferguson (undated) also note that the incidence of feeding bowheads in the eastern Alaskan Beaufort Sea has decreased since the early 1980s.

Beluga whales feed on a variety of fish, shrimp, squid and octopus (Burns and Seaman, 1985). Very few beluga whales occur nearshore; their main migration route is much further offshore. Like several of the other species in the area, harbor porpoise feed on demersal and benthic species, mainly schooling fish and cephalopods. Depending on the type of killer whale (transient or resident), they feed on fish and/or marine mammals. However, harbor porpoises and killer whales are not commonly found in Foggy Island Bay.

Gray whales are primarily bottom feeders, and benthic amphipods and isopods form the majority of their summer diet, at least in the main summering areas west of Alaska (Oliver *et al.,* 1983; Oliver and Slattery, 1985). Farther south, gray whales have also been observed feeding around kelp beds, presumably on mysid crustaceans, and on pelagic prey such as small schooling fish and crab larvae (Hatler and Darling, 1974). However, the central Beaufort Sea is not known to be a primary feeding ground for gray whales.

Two kinds of fish inhabit marine waters in the study area: (1) True marine fish that spend all of their lives in salt water, and (2) anadromous species that reproduce in fresh water and spend parts of their life cycles in salt water.

Most arctic marine fish species are small, benthic forms that do not feed high in the water column. The majority of these species are circumpolar and are found in habitats ranging from deep offshore water to water as shallow as 16.4–33 ft (5–10 m; Fechhelm *et al.,* 1995). The most important pelagic species, and the only abundant pelagic species, is the Arctic cod. The Arctic cod is a major vector for the transfer of energy from lower to higher trophic levels (Bradstreet *et al.,* 1986). In summer, Arctic cod can form very large schools in both nearshore and offshore waters (Craig *et al.,* 1982; Bradstreet *et al.,* 1986). Locations and areas frequented by large schools of Arctic cod cannot be predicted but can be almost anywhere. The Arctic cod is a major food source for beluga whales, ringed seals, and numerous species of seabirds (Frost and Lowry, 1984; Bradstreet *et al.,* 1986).

Anadromous Dolly Varden char and some species of whitefish winter in rivers and lakes, migrate to the sea in spring and summer, and return to fresh water in autumn. Anadromous fish form the basis of subsistence, commercial, and small regional sport fisheries. Dolly Varden char migrate to the sea from May through mid-June (Johnson, 1980) and spend about 1.5–2.5 months there (Craig, 1989). They return to rivers beginning in late July or early August with the peak return migration occurring between mid-August and early September (Johnson, 1980). At sea, most anadromous corregonids (whitefish) remain in nearshore waters within several kilometers of shore (Craig, 1984, 1989). They are often termed ''amphidromous'' fish in that they make repeated annual migrations into marine waters to feed, returning each fall to overwinter in fresh water.

Benthic organisms are defined as bottom dwelling creatures. Infaunal organisms are benthic organisms that live within the substrate and are often sedentary or sessile (bivalves, polychaetes). Epibenthic organisms live on or near the bottom surface sediments and are mobile (amphipods, isopods, mysids, and some polychaetes). Epifauna, which live attached to hard substrates, are rare in the Beaufort Sea because hard substrates are scarce there. A small community of epifauna, the Boulder Patch, occurs in Stefansson Sound.

Many of the nearshore benthic marine invertebrates of the Arctic are circumpolar and are found over a wide range of water depths (Carey *et al.,* 1975). Species identified include polychaetes (*Spio filicornis, Chaetozone setosa, Eteone longa*), bivalves (*Cryrtodaria kurriana, Nucula tenuis, Liocyma fluctuosa*), an isopod (*Saduria entomon*), and amphipods (*Pontoporeia femorata, P. affinis*).

Nearshore benthic fauna have been studied in Beaufort Sea lagoons and near the mouth of the Colville River (Kinney *et al.,* 1971, 1972; Crane and Cooney, 1975). The waters of Simpson Lagoon, Harrison Bay, and the nearshore region support a number of infaunal species including crustaceans, mollusks, and polychaetes. In areas influenced by river discharge, seasonal changes in salinity can greatly influence the distribution and abundance of benthic organisms. Large fluctuations in salinity and temperature that occur over a very short time period, or on a seasonal basis, allow only very adaptable, opportunistic species to survive (Alexander *et al.,* 1974). Since shorefast ice is present for many months, the distribution and abundance of most species depends on

annual (or more frequent) recolonization from deeper offshore waters (Woodward Clyde Consultants, 1995). Due to ice scouring, particularly in water depths of less than 8 ft (2.4 m), infaunal communities tend to be patchily distributed. Diversity increases with water depth until the shear zone is reached at 49–82 ft (15–25 m; Carey, 1978). Biodiversity then declines due to ice gouging between the landfast ice and the polar pack ice (Woodward Clyde Consultants, 1995).

Potential Impacts From Sound Generation

With regard to fish as a prey source for odontocetes and seals, fish are known to hear and react to sounds and to use sound to communicate (Tavolga *et al.,* 1981) and possibly avoid predators (Wilson and Dill, 2002). Experiments have shown that fish can sense both the strength and direction of sound (Hawkins, 1981). Primary factors determining whether a fish can sense a sound signal, and potentially react to it, are the frequency of the signal and the strength of the signal in relation to the natural background noise level.

Fishes produce sounds that are associated with behaviors that include territoriality, mate search, courtship, and aggression. It has also been speculated that sound production may provide the means for long distance communication and communication under poor underwater visibility conditions (Zelick *et al.,* 1999), although the fact that fish communicate at low-frequency sound levels where the masking effects of ambient noise are naturally highest suggests that very long distance communication would rarely be possible. Fishes have evolved a diversity of sound generating organs and acoustic signals of various temporal and spectral contents. Fish sounds vary in structure, depending on the mechanism used to produce them (Hawkins, 1993). Generally, fish sounds are predominantly composed of low frequencies (less than 3 kHz).

Since objects in the water scatter sound, fish are able to detect these objects through monitoring the ambient noise. Therefore, fish are probably able to detect prey, predators, conspecifics, and physical features by listening to environmental sounds (Hawkins, 1981). There are two sensory systems that enable fish to monitor the vibration-based information of their surroundings. The two sensory systems, the inner ear and the lateral line, constitute the acoustico-lateralis system.

Although the hearing sensitivities of very few fish species have been studied to date, it is becoming obvious that the intra- and inter-specific variability is considerable (Coombs, 1981). Nedwell *et al.* (2004) compiled and published available fish audiogram information. A noninvasive electrophysiological recording method known as auditory brainstem response is now commonly used in the production of fish audiograms (Yan, 2004). Generally, most fish have their best hearing in the low-frequency range (i.e., less than 1 kHz). Even though some fish are able to detect sounds in the ultrasonic frequency range, the thresholds at these higher frequencies tend to be considerably higher than those at the lower end of the auditory frequency range.

Literature relating to the impacts of sound on marine fish species can be divided into the following categories: (1) Pathological effects; (2) physiological effects; and (3) behavioral effects. Pathological effects include lethal and sub-lethal physical damage to fish; physiological effects include primary and secondary stress responses; and behavioral effects include changes in exhibited behaviors of fish. Behavioral changes might be a direct reaction to a detected sound or a result of the anthropogenic sound masking natural sounds that the fish normally detect and to which they respond. The three types of effects are often interrelated in complex ways. For example, some physiological and behavioral effects could potentially lead to the ultimate pathological effect of mortality. Hastings and Popper (2005) reviewed what is known about the effects of sound on fishes and identified studies needed to address areas of uncertainty relative to measurement of sound and the responses of fishes. Popper *et al.* (2003/2004) also published a paper that reviews the effects of anthropogenic sound on the behavior and physiology of fishes.

Potential effects of exposure to sound on marine fish include TTS, physical damage to the ear region, physiological stress responses, and behavioral responses such as startle response, alarm response, avoidance, and perhaps lack of response due to masking of acoustic cues. Most of these effects appear to be either temporary or intermittent and therefore probably do not significantly impact the fish at a population level. The studies that resulted in physical damage to the fish ears used noise exposure levels and durations that were far more extreme than would be encountered under conditions similar to those expected during BP's proposed survey.

The level of sound at which a fish will react or alter its behavior is usually well above the detection level. Fish have been found to react to sounds when the sound level increased to about 20 dB above the detection level of 120 dB (Ona, 1988); however, the response threshold can depend on the time of year and the fish's physiological condition (Engas *et al.,* 1993).

Investigations of fish behavior in relation to vessel noise (Olsen *et al.,* 1983; Ona, 1988; Ona and Godo, 1990) have shown that fish react when the sound from the engines and propeller exceeds a certain level. Avoidance reactions have been observed in fish such as cod and herring when vessels approached close enough that received sound levels are 110 dB to 130 dB (Nakken, 1992; Olsen, 1979; Ona and Godo, 1990; Ona and Toresen, 1988). However, other researchers have found that fish such as polar cod, herring, and capeline are often attracted to vessels (apparently by the noise) and swim toward the vessel (Rostad *et al.,* 2006). Typical sound source levels of vessel noise in the audible range for fish are 150 dB to 170 dB (Richardson *et al.,* 1995a). In calm weather, ambient noise levels in audible parts of the spectrum lie between 60 dB to 100 dB.

Short, sharp sounds can cause overt or subtle changes in fish behavior. Chapman and Hawkins (1969) tested the reactions of whiting (hake) in the field to an airgun. When the airgun was fired, the fish dove from 82 to 180 ft (25 to 55 m) depth and formed a compact layer. The whiting dove when received sound levels were higher than 178 dB re 1 μPa (Pearson *et al.,* 1992).

Pearson *et al.* (1992) conducted a controlled experiment to determine effects of strong noise pulses on several species of rockfish off the California coast. They used an airgun with a source level of 223 dB re 1 μPa. They noted:

- Startle responses at received levels of 200–205 dB re 1 μPa and above for two sensitive species, but not for two other species exposed to levels up to 207 dB;
- Alarm responses at 177–180 dB for the two sensitive species, and at 186 to 199 dB for other species;
- An overall threshold for the above behavioral response at about 180 dB;
- An extrapolated threshold of about 161 dB for subtle changes in the behavior of rockfish; and
- A return to pre-exposure behaviors within the 20–60 minute exposure period.

In summary, fish often react to sounds, especially strong and/or intermittent sounds of low frequency. Sound pulses at received levels of 160 dB re 1 μPa may cause subtle changes in behavior. Pulses at levels of 180 dB

may cause noticeable changes in behavior (Chapman and Hawkins, 1969; Pearson *et al.,* 1992; Skalski *et al.,* 1992). It also appears that fish often habituate to repeated strong sounds rather rapidly, on time scales of minutes to an hour. However, the habituation does not endure, and resumption of the strong sound source may again elicit disturbance responses from the same fish.

Some of the fish species found in the Arctic are prey sources for odontocetes and pinnipeds. A reaction by fish to sounds produced by BP's proposed survey would only be relevant to marine mammals if it caused concentrations of fish to vacate the area. Pressure changes of sufficient magnitude to cause that type of reaction would probably occur only very close to the sound source, if any would occur at all. Impacts on fish behavior are predicted to be inconsequential. Thus, feeding odontocetes and pinnipeds would not be adversely affected by this minimal loss or scattering, if any, of reduced prey abundance.

Some mysticetes, including bowhead whales, feed on concentrations of zooplankton. Some feeding bowhead whales may occur in the Alaskan Beaufort Sea in July and August, but feeding bowheads are more likely to occur in the area after the cessation of BP's survey operations. Reactions of zooplankton to sound are, for the most part, not known. Their ability to move significant distances is limited or nil, depending on the type of zooplankton. Behavior of zooplankters is not expected to be affected by the survey. These animals have exoskeletons and no air bladders. Many crustaceans can make sounds, and some crustacea and other invertebrates have some type of sound receptor. A reaction by zooplankton to sounds produced by the seismic survey would only be relevant to whales if it caused concentrations of zooplankton to scatter. Pressure changes of sufficient magnitude to cause that type of reaction would probably occur only very close to the sound source, if any would occur at all. Impacts on zooplankton behavior are predicted to be inconsequential. Thus, feeding mysticetes would not be adversely affected by this minimal loss or scattering, if any, of reduced zooplankton abundance.

Based on the preceding discussion, the proposed activity is not expected to have any habitat-related effects that could cause significant or long-term consequences for individual marine mammals or their populations.

Proposed Mitigation

In order to issue an incidental take authorization (ITA) under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant). Later in this document in the ''Proposed Incidental Harassment Authorization'' section, NMFS lays out the proposed conditions for review, as they would appear in the final IHA (if issued).

Mitigation Measures Proposed by BP

For the proposed mitigation measures, BP proposed general mitigation measures that apply throughout the survey and specific mitigation measures that apply to airgun operations. The proposed protocols are discussed next and can also be found in Section 11 of BP's application (see **ADDRESSES**).

1. General Mitigation Measures

These general mitigation measures are proposed to apply at all times to the vessel involved in the Liberty geohazard survey. This vessel would also operate under an additional set of specific mitigation measures during airgun operations (described a bit later in this document).

The general mitigation measures include: (1) Adjusting speed to avoid collisions with whales and during periods of low visibility; (2) checking the waters immediately adjacent to the vessel to ensure that no marine mammals will be injured when the vessel's propellers (or screws) are engaged; (3) avoiding concentrations of groups of whales and not operating vessels in a way that separates members of a group; (4) reducing vessel speeds to less than 10 knots in the presence of feeding whales; (5) reducing speed and steering around groups of whales if circumstances allow (but never cutting off a whale's travel path) and avoiding multiple changes in direction and speed when within 900 ft of whales; (6) maintaining an altitude of at least 1,000 ft when flying helicopters, except in emergency situations or during take-offs and landings; and (7) not hovering or circling with helicopters above or within 0.3 mi of groups of whales.

2. Seismic Airgun Mitigation Measures

BP proposes to establish and monitor Level A harassment exclusion zones for all marine mammal species. These zones will be monitored by Protected Species Observers (PSOs; more detail later). Should marine mammals enter these exclusion zones, the PSOs will call for and implement the Suite of mitigation measures described next.

Ramp-up Procedure: Ramp-up procedures of an airgun array involve a step-wise increase in the number of operating airguns until the required discharge volume is achieved. The purpose of a ramp-up (sometimes referred to as ''soft-start'') is to provide marine mammals in the vicinity of the activity the opportunity to leave the area and to avoid the potential for injury or impairment of their hearing abilities.

During ramp-up, BP proposes to implement the common procedure of doubling the number of operating airguns at 5-minute intervals, starting with the smallest gun in the array. Ramp-up of the 30 in^3 array from a shutdown will therefore take 10 min for the three-airgun array option and 5 min for the two-airgun array option. First the smallest gun in the array will be activated (10 in^3) and after 5 min, the second airgun (10 in^3 or 20 in^3). For the three-airgun array, an additional 5 min are then required to activate the third 10 in^3 airgun. During ramp-up, the exclusion zone for the full airgun array will be observed. The ramp-up procedures will be applied as follows:

1. A ramp-up, following a cold start, can be applied if the exclusion zone has been free of marine mammals for a consecutive 30-minute period. The entire exclusion zone must have been visible during these 30 minutes. If the entire exclusion zone is not visible, then ramp-up from a cold start cannot begin.

2. Ramp-up procedures from a cold start will be delayed if a marine mammal is sighted within the exclusion zone during the 30-minute period prior to the ramp-up. The delay will last until the marine mammal(s) has been observed to leave the exclusion zone or until the animal(s) is not sighted for at least 15 minutes (seals) or 30 minutes (cetaceans).

3. A ramp-up, following a shutdown, can be applied if the marine mammal(s) for which the shutdown occurred has been observed to leave the exclusion zone or until the animal(s) has not been sighted for at least 15 minutes (seals) or 30 minutes (cetaceans). This assumes there was a continuous observation effort prior to the shutdown and the entire exclusion zone is visible.

4. If, for any reason, power to the airgun array has been discontinued for a period of 10 minutes or more, ramp-up procedures need to be implemented. Only if the PSO watch has been suspended, a 30-minute clearance of the

exclusion zone is required prior to commencing ramp-up. Discontinuation of airgun activity for less than 10 minutes does not require a ramp-up.

5. The seismic operator and PSOs will maintain records of the times when ramp-ups start and when the airgun arrays reach full power.

Power Down Procedure: A power down is the immediate reduction in the number of operating airguns such that the radii of the 190 dB and 180 dB (rms) zones are decreased to the extent that an observed marine mammal is not in the applicable exclusion zone of the full array. For this geohazard survey, the operation of one airgun continues during a power down. The continued operation of one airgun is intended to (a) alert marine mammals to the presence of airgun activity, and (b) retain the option of initiating a ramp up to full operations under poor visibility conditions.

1. The array will be immediately powered down whenever a marine mammal is sighted approaching close to or within the applicable exclusion zone of the full array, but is outside the applicable exclusion zone of the single airgun;

2. Likewise, if a mammal is already within the exclusion zone of the full array when first detected, the airgun array will be powered down to one operating gun immediately;

3. If a marine mammal is sighted within or about to enter the applicable exclusion zone of the single airgun, it too will be shut down; and

4. Following a power down, ramp-up to the full airgun array will not resume until the marine mammal has cleared the applicable exclusion zone. The animal will be considered to have cleared the exclusion zone if it has been visually observed leaving the exclusion zone of the full array, or has not been seen within the zone for 15 minutes (seals) or 30 minutes (cetaceans).

Shut-down Procedures: The operating airgun(s) will be shut down completely if a marine mammal approaches or enters the 190 or 180 dB (rms) exclusion radius of the smallest airgun. Airgun activity will not resume until the marine mammal has cleared the applicable exclusion radius of the full array. The animal will be considered to have cleared the exclusion radius as described above under ramp-up procedures.

Poor Visibility Conditions: BP plans to conduct 24-hr operations. PSOs will not be on duty during ongoing seismic operations during darkness, given the very limited effectiveness of visual observation at night (there will be no periods of darkness in the survey area until mid-August). The proposed provisions associated with operations at night or in periods of poor visibility include the following:

- If during foggy conditions, heavy snow or rain, or darkness (which may be encountered starting in late August), the full 180 dB exclusion zone is not visible, the airguns cannot commence a ramp-up procedure from a full shut-down; and
- If one or more airguns have been operational before nightfall or before the onset of poor visibility conditions, they can remain operational throughout the night or poor visibility conditions. In this case ramp-up procedures can be initiated, even though the exclusion zone may not be visible, on the assumption that marine mammals will be alerted by the sounds from the single airgun and have moved away.

BP is aware that available techniques to effectively detect marine mammals during limited visibility conditions (darkness, fog, snow, and rain) are in need of development and has in recent years supported research and field trials intended to improve methods of detecting marine mammals under these conditions.

Additional Mitigation Measures Proposed by NMFS

The mitigation airgun will be operated at approximately one shot per minute and will not be operated for longer than three hours in duration during daylight hours and good visibility. In cases when the next start-up after the turn is expected to be during lowlight or low visibility, use of the mitigation airgun may be initiated 30 minutes before darkness or low visibility conditions occur and may be operated until the start of the next seismic acquisition line. The mitigation gun must still be operated at approximately one shot per minute.

Mitigation Conclusions

NMFS has carefully evaluated BP's proposed mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measures are expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of seismic airguns, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of seismic airguns or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of seismic airguns or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing the severity of harassment takes only).

5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance. Proposed measures to

ensure availability of such species or stock for taking for certain subsistence uses are discussed later in this document (see ''Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses'' section).

Proposed Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking''. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. BP submitted information regarding marine mammal monitoring to be conducted during seismic operations as part of the IHA application. That information can be found in Sections 11 and 13 of the application. The monitoring measures may be modified or supplemented based on comments or new information received from the public during the public comment period.

Monitoring measures proposed by the applicant or prescribed by NMFS should accomplish one or more of the following top-level goals:

1. An increase in our understanding of the likely occurrence of marine mammal species in the vicinity of the action, i.e., presence, abundance, distribution, and/or density of species.

2. An increase in our understanding of the nature, scope, or context of the likely exposure of marine mammal species to any of the potential stressor(s) associated with the action (e.g. sound or visual stimuli), through better understanding of one or more of the following: the action itself and its environment (e.g. sound source characterization, propagation, and ambient noise levels); the affected species (e.g. life history or dive pattern); the likely co-occurrence of marine mammal species with the action (in whole or part) associated with specific adverse effects; and/or the likely biological or behavioral context of exposure to the stressor for the marine mammal (e.g. age class of exposed animals or known pupping, calving or feeding areas).

3. An increase in our understanding of how individual marine mammals respond (behaviorally or physiologically) to the specific stressors associated with the action (in specific contexts, where possible, e.g., at what distance or received level).

4. An increase in our understanding of how anticipated individual responses, to individual stressors or anticipated combinations of stressors, may impact either: the long-term fitness and survival of an individual; or the population, species, or stock (e.g. through effects on annual rates of recruitment or survival).

5. An increase in our understanding of how the activity affects marine mammal habitat, such as through effects on prey sources or acoustic habitat (e.g., through characterization of longer-term contributions of multiple sound sources to rising ambient noise levels and assessment of the potential chronic effects on marine mammals).

6. An increase in understanding of the impacts of the activity on marine mammals in combination with the impacts of other anthropogenic activities or natural factors occurring in the region.

7. An increase in our understanding of the effectiveness of mitigation and monitoring measures.

8. An increase in the probability of detecting marine mammals (through improved technology or methodology), both specifically within the safety zone (thus allowing for more effective implementation of the mitigation) and in general, to better achieve the above goals.

Proposed Monitoring Measures

1. Visual Monitoring

Two observers referred to as PSOs will be present on the vessel. Of these two PSOs, one will be on watch at all times to monitor the 190 and 180 dB exclusion zones for the presence of marine mammals during airgun operations. The main objectives of the vessel-based marine mammal monitoring are as follows: (1) To implement mitigation measures during seismic operations (e.g. course alteration, airgun power down, shut-down and ramp-up); and (2) To record all marine mammal data needed to estimate the number of marine mammals potentially affected, which must be reported to NMFS within 90 days after the survey.

BP intends to work with experienced PSOs. At least one Alaska Native resident, who is knowledgeable about Arctic marine mammals and the subsistence hunt, is expected to be included as one of the team members aboard the vessel. Before the start of the survey, the vessel crew will be briefed on the function of the PSOs, their monitoring protocol, and mitigation measures to be implemented.

At least one observer will monitor for marine mammals at any time during daylight hours (there will be no periods of total darkness until mid-August). PSOs will be on duty in shifts of a maximum of 4 hours at a time, although the exact shift schedule will be established by the lead PSO in consultation with the other PSOs.

The vessel will offer a suitable platform for marine mammal observations. Observations will be made from locations where PSOs have the best view around the vessel. During daytime, the PSO(s) will scan the area around the vessel systematically with reticle binoculars and with the naked eye. Because the main purpose of the PSO on board the vessel is detecting marine mammals for the implementation of mitigation measures according to specific guidelines, BP prefers to keep the information to be recorded as concise as possible, allowing the PSO to focus on detecting marine mammals. The following information will be collected by the PSOs:

- Environmental conditions—consisting of sea state (in Beaufort Wind force scale according to NOAA), visibility (in km, with 10 km indicating the horizon on a clear day), and sun glare (position and severity). These will be recorded at the start of each shift, whenever there is an obvious change in one or more of the environmental variables, and whenever the observer changes shifts;
- Project activity—consisting of airgun operations (on or off), number of active guns, line number. This will be recorded at the start of each shift, whenever there is an obvious change in project activity, and whenever the observer changes shifts; and
- Sighting information—consisting of the species (if determinable), group size, position and heading relative to the vessel, behavior, movement, and distance relative to the vessel (initial and closest approach). These will be recorded upon sighting a marine mammal or group of animals.

When marine mammals in the water are detected within or about to enter the designated exclusion zones, the airgun(s) power down or shut-down procedures will be implemented immediately. To assure prompt implementation of power downs and shut-downs, multiple channels of communication between the PSOs and the airgun technicians will be established. During the power down and shut-down, the PSO(s) will continue to maintain watch to determine when the

animal(s) are outside the exclusion radius. Airgun operations can be resumed with a ramp-up procedure (depending on the extent of the power down) if the observers have visually confirmed that the animal(s) moved outside the exclusion zone, or if the animal(s) were not observed within the exclusion zone for 15 minutes (seals) or for 30 minutes (cetaceans). Direct communication with the airgun operator will be maintained throughout these procedures.

All marine mammal observations and any airgun power down, shut-down, and ramp-up will be recorded in a standardized format. Data will be entered into or transferred to a custom database. The accuracy of the data entry will be verified daily through QA/QC procedures. Recording procedures will allow initial summaries of data to be prepared during and shortly after the field program, and will facilitate transfer of the data to other programs for further processing and archiving.

2. Fish and Airgun Sound Monitoring

BP proposes to conduct research on fish species in relation to airgun operations, including prey species important to ice seals, during the proposed seismic survey. The Liberty shallow geohazard survey, along with another seismic survey BP is conducting this summer in Prudhoe Bay, offers a unique opportunity to assess the impacts of airgun sounds on fish, specifically on changes in fish abundance in fyke nets that have been sampled in the area for more than 30 years. The monitoring study would occur over a 2-month period during the open-water season. During this time, fish are counted and sized every day, unless sampling is prevented by weather, the presence of bears, or other events. Fish mortality is also noted.

The fish-sampling period coincides with the shallow geohazard survey, resulting in a situation where each of the four fyke nets will be exposed to varying daily exposures to airgun sounds. That is, as source vessels move back and forth across the project area, fish caught in nets will be exposed to different sounds levels at different nets each day. To document relationships between fish catch in each fyke net and received sound levels, BP will attempt to instrument each fyke net location with a recording hydrophone. Recording hydrophones, to the extent possible, will have a dynamic range that extends low enough to record near ambient sounds and high enough to capture sound levels during relatively close approaches by the airgun array (i.e., likely levels as high as about 200 dB re 1 uPa). Bandwidth will extend from about 10 Hz to at least 500 Hz. In addition, because some fish (especially salmonids) are likely to be sensitive to particle velocity instead of or in addition to sound pressure level, BP will attempt to instrument each fyke net location with a recording particle velocity meter. Acoustic and environmental data will be used in statistical models to assess relationships between acoustic and fish variables. Additional information on the details of the fish monitoring study can be found in Section 13.1 of BP's application (see **ADDRESSES**).

Monitoring Plan Peer Review

The MMPA requires that monitoring plans be independently peer reviewed ''where the proposed activity may affect the availability of a species or stock for taking for subsistence uses'' (16 U.S.C. 1371(a)(5)(D)(ii)(III)). Regarding this requirement, NMFS' implementing regulations state, ''Upon receipt of a complete monitoring plan, and at its discretion, [NMFS] will either submit the plan to members of a peer review panel for review or within 60 days of receipt of the proposed monitoring plan, schedule a workshop to review the plan'' (50 CFR 216.108(d)).

Because of the extremely short duration of BP's proposed survey, the fact that activities will be completed prior to any fall bowhead whale subsistence hunts, and that seal hunts occur more than 50 mi from the proposed survey activities, NMFS determined that the proposed survey did not meet the trigger for requiring an independent peer review of the monitoring plan.

Reporting Measures

1. 90-Day Technical Report

A report will be submitted to NMFS within 90 days after the end of the proposed shallow geohazard survey. The report will summarize all activities and monitoring results conducted during in-water seismic surveys. The Technical Report will include the following:

- Summary of project start and end dates, airgun activity, number of guns, and the number and circumstances of implementing ramp-up, power down, shutdown, and other mitigation actions;
- Summaries of monitoring effort (e.g., total hours, total distances, and marine mammal distribution through the study period, accounting for sea state and other factors affecting visibility and detectability of marine mammals);
- Analyses of the effects of various factors influencing detectability of marine mammals (e.g., sea state, number of observers, and fog/glare);
- Species composition, occurrence, and distribution of marine mammal sightings, including date, water depth, numbers, age/size/gender categories (if determinable), and group sizes;
- Analyses of the effects of survey operations;
- Sighting rates of marine mammals during periods with and without seismic survey activities (and other variables that could affect detectability), such as: (i) Initial sighting distances versus survey activity state; (ii) closest point of approach versus survey activity state; (iii) observed behaviors and types of movements versus survey activity state; (iv) numbers of sightings/individuals seen versus survey activity state; (v) distribution around the source vessels versus survey activity state; and (vi) estimates of exposures of marine mammals to Level B harassment thresholds based on presence in the 160 dB harassment zone.

2. Fish and Airgun Sound Report

BP proposes to present the results of the fish and airgun sound study to NMFS in a detailed report that will also be submitted to a peer reviewed journal for publication, presented at a scientific conference, and presented in Barrow and Nuiqsut.

3. Notification of Injured or Dead Marine Mammals

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA (if issued), such as an injury (Level A harassment), serious injury or mortality (e.g., ship-strike, gear interaction, and/or entanglement), BP would immediately cease the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the Alaska Regional Stranding Coordinators. The report would include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;

• Species identification or description of the animal(s) involved;
• Fate of the animal(s); and
• Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the prohibited take. NMFS would work with BP to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. BP would not be able to resume their activities until notified by NMFS via letter, email, or telephone.

In the event that BP discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as described in the next paragraph), BP would immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinators. The report would include the same information identified in the paragraph above. Activities would be able to continue while NMFS reviews the circumstances of the incident. NMFS would work with BP to determine whether modifications in the activities are appropriate.

In the event that BP discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), BP would report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinators, within 24 hours of the discovery. BP would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]. Only take by Level B behavioral harassment of some species is anticipated as a result of the proposed shallow geohazard survey. Anticipated impacts to marine mammals are associated with noise propagation from the sound sources (e.g., airguns, sidescan sonar, and subbottom profiler) used in the survey. No take is expected to result from vessel strikes because of the slow speed of the vessel (3–4 knots while acquiring seismic data) and because of mitigation measures to reduce collisions with marine mammals. Additionally, no take is expected to result from helicopter operations (if any occur) because of altitude restrictions. No take is expected from the multibeam echosounder and when the sidescan sonar is operated at frequencies above 400 kHz because the frequencies are outside the hearing ranges of marine mammals. Moreover, when the sidescan sonar is operated at frequencies of 110–135 kHz, it is outside the hearing ranges of low-frequency cetaceans and ice seals. Therefore, take has not been estimated from use of these sources for these species.

BP requested take of 11 marine mammal species by Level B harassment. However, for reasons mentioned earlier in this document, it is highly unlikely that humpback and minke whales would occur in the proposed survey area. Therefore, NMFS does not propose to authorize take of these two species. The species for which take, by Level B harassment only, is proposed include: bowhead, beluga, gray, and killer whales; harbor porpoise; and ringed, bearded, spotted, and ribbon seals.

The airguns produce impulsive sounds. The current acoustic thresholds used by NMFS to estimate Level B and Level A harassment are presented in Table 4.

TABLE 4—CURRENT ACOUSTIC EXPOSURE CRITERIA USED BY NMFS

Criterion	Criterion definition	Threshold
Level A Harassment (Injury)	Permanent Threshold Shift (PTS) (Any level above that which is known to cause TTS)	180 dB re 1 microPa-m (cetaceans)/190 dB re 1 microPa-m (pinnipeds) root mean square (rms).
Level B Harassment	Behavioral Disruption (for impulse noises)	160 dB re 1 microPa-m (rms).
Level B Harassment	Behavioral Disruption (for continuous, noise)	120 dB re 1 microPa-m (rms).

Section 6 of BP's application contains a description of the methodology used by BP to estimate takes by harassment, including calculations for the 160 dB (rms) isopleth and marine mammal densities in the areas of operation (see **ADDRESSES**), which is also provided in the following sections. NMFS verified BP's methods, and used the density and sound isopleth measurements in estimating take. However, as noted later in this section, NMFS proposes to authorize the maximum number of estimated takes for all species, not just for cetaceans as presented by BP in order to ensure that exposure estimates are not underestimated for pinnipeds.

The shallow geohazard survey will take place in two phases and has an estimated duration of approximately 20 days, including 5 days between the two phases where operations will be focused on changing equipment. Data acquisition will be halted at the start of the Cross Island fall bowhead whale hunt.

During phase 1 of the project, 2DHR seismic data will be acquired in about 12 mi^2 of the Site Survey area. The duration is estimated at about 7.5 days, based on a continuous 24-hr operation and not including downtime.

During phase 2, data will be acquired in the Site Survey area (11 mi^2) and over approximately 5 mi^2 of the 29 mi^2 Sonar Survey area using the multibeam echosounder, sidescan sonar, subbottom profiler, and magnetometer. The total duration of Phase 2 is also expected to be 7.5 days, based on a continuous 24-hr operation and not including downtime.

Marine Mammal Density Estimates

Most whale species are migratory and therefore show a seasonal distribution, with different densities for the summer period (covering July and August) and the fall period (covering September and October). Seal species in the Beaufort Sea do not show a distinct seasonal

distribution during the open-water period between July and October. Data acquisition of the proposed shallow geohazard survey will only take place in summer (before start of Nuiqsut whaling in late August/early September), so BP estimated only summer densities for this proposed IHA. Whale and seal densities in the Beaufort Sea will further depend on the presence of sea ice. However, if ice cover within or close to the seismic survey area is more than approximately 10%, survey activities may not start or will be halted. Densities related to ice conditions are therefore not included in the IHA application.

Spatial differentiation is another important factor for marine mammal densities, both in latitudinal and longitudinal gradient. Taking into account the shallow water operations of the proposed survey area and the associated area of influence, BP used data from the nearshore zone of the Beaufort Sea for the calculation of densities, if available.

Density estimates are based on best available data. Because available data did not always cover the area of interest, this is subject to large temporal and spatial variation, and correction factors for perception and availability bias were not always known, there is some uncertainty in the data and assumptions used in the estimated number of exposures. To provide allowance for these uncertainties, maximum density estimates have been provided in addition to average density estimates.

1. Beluga Whale Density Estimates

The 1979–2011 BWASP aerial survey database, available from the NOAA Web site (*http://www.afsc.noaa.gov/NMML/software/bwasp-comida.php*), contains a total of 62 belugas (31 sightings) in block 1, which covers the nearshore and offshore Prudhoe Bay area. Except for one solitary animal in 1992, all these belugas were seen in September or October; the months with most aerial survey effort. None of the sightings occurred south of 70° N., which is to be expected because beluga whales generally travel much farther north (Moore *et al.,* 2000). The summer effort in the 1979–2011 database is limited. Therefore, BP believes and NMFS agrees that the 2012–2013 data are the best available for calculating beluga summer densities (Clarke *et al.,* 2013; *http://www.asfc.noaa.gov/nmml/cetacean/bwasp/2013*), even though the 2013 daily flight summaries posted on NOAA's Web site have not undergone post-season QA/QC.

To estimate the density of beluga whales in the Foggy Island Bay area, BP used the 2012 on-transect beluga sighting and effort data from the ASAMM surveys flown in July and August in the Beaufort Sea. The area most applicable to our survey was the area from 140° W. – 154° W. and water depths of 0–20 m (Table 13 in Clarke *et al.,* 2013). In addition, BP used beluga sighting and effort data of the 2013 survey, as reported in the daily flight summaries on the NOAA Web site. BP intended to only select flights that covered block 1. However, in many cases the aerial surveys flown in block 1 also covered blocks 2 and 10, which were much farther from shore. Because it was difficult to determine the survey effort specific to block 1 from the available information, BP included the sighting and effort data from block 2 and 10 in the calculations. BP used the number of individuals counted on transect, together with the transect kilometers flown, to calculate density estimates (Table 4 in the application and Table 5 here). To convert the number of individuals per transect kilometer (ind/km) to a density per area (ind/km^2), BP used the effective strip width (ESW) of 0.614 km for belugas calculated from 2008–2012 aerial survey data flown with the Commander aircraft (M. Ferguson, NMML, pers. comm., 30 Oct 2013).

TABLE 5—SUMMARY OF BELUGA SIGHTING AND EFFORT DATA FROM THE 2012 AND 2013 ASAMM AERIAL SURVEYS FLOWN IN JULY AND AUGUST IN THE BEAUFORT SEA

Year	Effort (ind/km)	NR. Ind	Ind/km	Ind/km^2
2012	1431	5	0.0035	0.0028
2013	7572	99	0.0131	0.0182
Average				0.0105
Maximum				0.0182
Minimum				0.0028

2. Bowhead Whale Density Estimates

To estimate summer bowhead whale densities, BP used data from the 2012 and 2013 ASAMM aerial surveys flown in the Beaufort Sea (Clarke *et al.,* 2013; *www.asfc.noaa.gov/nmml/*). The 1979–2011 ASAMM database contains only one on-transect bowhead whale sighting during July and August (in 2011), likely due to the limited summer survey effort. In contrast, the 2012 and 2013 surveys include substantial effort during the summer season and are thus considered to be the best available data, even though the 2013 daily flight summaries posted on NOAA's Web site have not undergone post-season QA/QC.

To estimate the density of bowhead whales in the Foggy Island Bay area, BP used the 2012 on-transect bowhead sighting and effort data from surveys flown in July and August in block 1 (Table 4 in Clarke *et al.,* 2013). In addition, BP used the on-transect bowhead sighting and effort data of the 2013 survey, as reported in the daily flight summaries on the NOAA Web site. BP intended to only select flights that covered block 1. However, in many cases the aerial surveys flown in block 1 also covered blocks 2 and 10, which were much farther from shore. Because it was difficult to determine the survey effort specific to block 1 from the available information, BP included the sighting and effort data from block 2 and 10 in the calculations (Table 5 in the application and Table 6 here). To convert the number of individuals per line transect (ind/km) to a density per area (ind/km^2), BP used the ESW of 1.15 km for bowheads, calculated from 2008–2012 aerial survey data flown with the Commander aircraft (M. Ferguson, NMML, pers. comm., 30 Oct 2013).

TABLE 6—SUMMARY OF BOWHEAD SIGHTING AND EFFORT DATA FROM THE 2012 AND 2013 ASAMM AERIAL SURVEYS FLOWN IN JULY AND AUGUST IN THE BEAUFORT SEA

Year	Effort (ind/km)	NR. ind	Ind/km	Ind/km²
2012	1493	5	0.0033	0.0015
2013	3973	88	0.0221	0.0096
Average				0.0055
Maximum				0.0096
Minimum				0.0015

3. Other Whale Species

No densities have been estimated for gray whales and for whale species that are rare or extralimital to the Beaufort Sea (killer whale and harbor porpoise) because sightings of these animals have been very infrequent. Gray whales may be encountered in small numbers throughout the summer and fall, especially in the nearshore areas. Small numbers of harbor porpoises may be encountered as well. During an aerial survey offshore of Oliktok Point in 2008, approximately 40 mi (65 km) west of the proposed survey area, two harbor porpoises were sighted offshore of the barrier islands, one on 25 August and the other on 10 September (Hauser *et al.,* 2008). For the purpose of this IHA request, small numbers have been included in the requested ''take'' authorization to cover incidental occurrences of any of these species during the proposed survey.

4. Seal Density Estimates

Ice seals of the Beaufort Sea are mostly associated with sea ice, and most census methods count seals when they are hauled out on the ice. To account for the proportion of animals present but not hauled out (availability bias) or seals present on the ice but missed (detection bias), a correction factor should be applied to the ''raw'' counts. This correction factor is dependent on the behavior of each species. To estimate what proportion of ringed seals were generally visible resting on the sea ice, radio tags were placed on seals during spring 1999–2003 (Kelly *et al.,* 2006). The probability that seals were visible, derived from the satellite data, was applied to seal abundance data from past aerial surveys and indicated that the proportion of seals visible varied from less than 0.4 to more than 0.75 between survey years. The environmental factors that are important in explaining the availability of seals to be counted were found to be time of day, date, wind speed, air temperature, and days from snow melt (Kelly *et al.,* 2006). Besides the uncertainty in the correction factor, using counts of basking seals from spring surveys to predict seal abundance in the open-water period is further complicated by the fact that seal movements differ substantially between these two seasons. Data from nine ringed seals that were tracked from one subnivean period (early winter through mid-May or early June) to the next showed that ringed seals covered large distances during the open-water foraging period (Kelly *et al.,* 2010b). Ringed seals tagged in 2011 close to Barrow also show long distances traveled during the open-water season (Herreman *et al.,* 2012).

To estimate densities for ringed, bearded, and spotted seals, BP used data collected during four shallow water OBC seismic surveys in the Beaufort Sea (Harris *et al.,* 2001; Aerts *et al.,* 2008; Hauser *et al.,* 2008; HDR, 2012). Habitat and survey specifics are very similar to the proposed survey; therefore, these data were considered to be more representative than basking seal densities from spring aerial survey data (e.g., Moulton *et al.,* 2002; Frost *et al.,* 2002, 2004). NMFS agreed that these data are likely more representative and appropriate for use. However, since these data were not collected during surveys designed to determine abundance, NMFS used the maximum estimates for the proposed number of takes in this proposed IHA.

Because survey effort in kilometers was only reported for one of the surveys, BP used sighting rate (ind/h) for calculating potential seal exposures. No distinction is made in seal density between summer and autumn season. Also, no correction factors have been applied to the reported seal sighting rates.

Seal species ratios: During the 1996 OBC survey, 92% of all seal species identified were ringed seals, 7% bearded seals and 1% spotted seals (Harris *et al.,* 2001). This 1996 survey occurred in two habitats, one about 19 mi east of Prudhoe Bay near the McClure Islands, mainly inshore of the barrier islands in water depths of 10 to 26 ft and the other 6 to 30 mi northwest of Prudhoe Bay, about 0 to 8 mile offshore of the barrier islands in water depths of 10 to 56 ft (Harris *et al.,* 2001). In 2008, two OBC seismic surveys occurred in the Beaufort Sea, one in Foggy Island Bay, about 15 mi SE of Prudhoe Bay (Aerts *et al.,* 2008), and the other at Oliktok Point, > 30 mi west of Prudhoe Bay (Hauser *et al.,* 2008). In 2012, an OBC seismic was done in Simpson Lagoon, bordering the area surveyed in 2008 at Oliktok Point (HDR, 2012). Based on the number of identified individuals the ratio ringed, bearded, and spotted seal was 75%, 8%, and 17%, respectively in Foggy Island Bay (Aerts *et al.,* 2008), 22%, 39%, and 39%, respectively at Oliktok Point (Hauser *et al.,* 2008), and 62%, 15%, and 23%, respectively in Simpson Lagoon (HDR, 2012). Because it is often difficult to identify seals to species, a large proportion of seal sightings were unidentified in all four OBC surveys described here. The total seal sighting rate was therefore used to calculate densities for each species, using the average ratio over all four surveys for ringed, bearded, and spotted seals, i.e., 63% ringed, 17% bearded, and 20% spotted seals.

Seal sighting rates: During the 1996 OBC survey (Harris *et al.,* 2001) the sighting rate for all seals during periods when airguns were not operating was 0.63 ind/h. The sighting rate during non-seismic periods was 0.046 ind/h for the survey in Foggy Island Bay, just east of Prudhoe Bay (Aerts *et al.,* 2008). The OBC survey that took place at Oliktok Point recorded 0.0674 ind/h when airguns were not operating (Hauser *et al.,* 2008), and the maximum sighting rate during the Simpson Lagoon OBC seismic survey was 0.030 ind/h (HDR, 2012).

The average seal sighting rate, based on these four surveys, was 0.193 ind/h. The maximum was 0.63 ind/h and the minimum 0.03 ind/h. Using the proportion of ringed, bearded, and spotted seals as mentioned above, BP estimated the average and maximum sighting rates (ind/h) for each of the three seal species (Table 6 in the application and Table 7 here).

TABLE 7—ESTIMATED SUMMER DENSITIES OF WHALES AND SIGHTING RATES OF SEALS (AVERAGE AND MAXIMUM) FOR THE PROPOSED FOGGY ISLAND BAY SURVEY. DENSITIES ARE PROVIDED IN NUMBER OF INDIVIDUALS PER SQUARE KILOMETER (IND/KM^2), AND SIGHTING RATES ARE IN NUMBER OF INDIVIDUALS PER HOUR (IND/H). NO DENSITIES OR SIGHTING RATES WERE ESTIMATED FOR EXTRALIMITAL SPECIES

Species	Summer densities (ind/km^2)	
	Average	Maximum
Bowhead whale	0.0015	0.0055
Beluga whale	0.0028	0.0105
	Summer sighting rates (ind/h)	
	Average	Maximum
Ringed seal	0.122	0.397
Bearded seal	0.033	0.107
Spotted seal	0.039	0.126

5. Marine Mammal Density Summary

For the purpose of calculating the potential number of beluga and bowhead whale exposures to received sound levels of ≥160 dB re 1 μPa, BP used the minimum density from Tables 5 and 6 in this document as the average density. The reason for this decision is that the 2012 data only covered block 1 and were considered more representative. To derive a maximum estimated number of exposures, BP used the average densities from Tables 5 and 6 in this document. BP considered this approach reasonable because the 2013 beluga and bowhead whale sighting data included areas outside the zone of influence of the proposed project. For example, in 2013, only 3 of the 89 beluga sightings were seen in block 1. Table 7 in this document summarizes the densities used in the calculation of potential number of exposures.

Level A and Level B Harassment Zone Distances

For the proposed 2014 shallow geohazard survey, BP used existing sound source verification (SSV) measurements to establish distances to received sound pressure levels (SPLs). Airgun arrays consist of a cluster of independent sources. Because of this, and many other factors, sounds generated by these arrays therefore do not propagate evenly in all directions. BP included both broadside and endfire measurements of the array in calculating distances to the various received sound levels. Broadside and endfire measurements are not applicable to mitigation gun measurements.

Seven SSV measurements exist of 20–400 in^3 airgun arrays in the shallow water environment of the Beaufort Sea that were considered to be representative of the proposed 30 in^3 airgun arrays. These measurements were from 2008 (n = 4), 2011 (n = 1) and 2012 (n = 2), all in water depths less than about 50 ft. For the 5 in^3 mitigation gun, measured distances of a 10 in^3 mitigation gun from four shallow hazard SSV surveys in the Beaufort Sea were used: One in 2007, two in 2008, and one in 2011. Table 7A in BP's application shows average, maximum, and minimum measured distances to each of the four received SPL rms levels for 20–40 in^3 arrays and 10 in^3 single gun. The mitigation radii of the proposed 30 in^3 airgun arrays and 5 in^3 gun were derived from the average distance of the 20–40 in^3 and the 10 in^3 SSV measurements, respectively (see Table 8 in BP's application). Distances to sound pressure levels of 190, 180, and 160 dB re 1 μPa, generated by the proposed geophysical equipment is much lower than for airguns (see Table 7B in BP's application). The operating frequency of the sidescan sonar is within hearing range of toothed whales only, with a distance of 50 m to 180 dB re 1 μPa (rms) and 230 m to 160 dB re 1 μPa (rms) (Warner & McCrodan, 2011). Sounds generated by the subbottom profiler are within the hearing range of all marine mammal species occurring in the area but do not produce sounds strong enough to reach sound pressure levels of 190 or 180 dB re 1 μPa (rms). The distance to 160 dB re 1 μPa (rms) is estimated at 30 m (Warner & McCrodan, 2011). BP considered the distances derived from the existing airgun arrays as summarized in Table 7A in BP's application as representative for the proposed 30 in^3 arrays. NMFS concurs with this approach.

Table 8 in this document presents the radii used to estimate take (160 dB isopleth) and to implement mitigation measures (180 dB and 190 dB isopleths) from the full airgun array and the 5 in^3 mitigation gun. However, take is only estimated using the larger radius of the full airgun array.

TABLE 8—DISTANCES (IN METERS) TO BE USED FOR ESTIMATING TAKE BY LEVEL B HARASSMENT AND FOR MITIGATION PURPOSES DURING THE PROPOSED 2014 NORTH PRUDHOE BAY 2014 SEISMIC SURVEY

Airgun discharge volume (in^3)	190 dB re 1 μPa	180 dB re 1 μPa	160 dB re 1 μPa
30 in^3	70	200	1,600
5 in^3	20	50	600

Numbers of Marine Mammals Potentially Taken by Harassment

The potential number of marine mammals that might be exposed to the 160 dB re 1 μPa (rms) SPL was calculated differently for cetaceans and pinnipeds, as described in Section 6.3 of BP's application and next here. BP did not calculate take from the subbottom profiler or from the sidescan sonar for toothed whales. Based on the distance to the 160 dB re 1 μPa (rms) isopleths for these sources and the fact that NMFS proposes to authorize the maximum estimated exposure estimate, the extremely minimal number of exposures that would result from use of these sources is already accounted for in the airgun exposure estimates.

1. Number of Cetaceans Potentially Taken by Harassment

The potential number of bowhead and beluga whales that might be exposed to the 160 dB re 1 μPa (rms) sound pressure level was calculated by multiplying:

- The expected bowhead and beluga density as provided in Tables 5 and 6 in this document (Tables 4 and 5 in BP's application);
- The anticipated area around each source vessel that is ensonified by the 160 dB re 1 μPa (rms) sound pressure level; and
- The estimated number of 24-hr days that the source vessels are operating.

The area expected to be ensonified by the 30 in^3 array was determined based on the maximum distance to the 160 dB re 1 μPa (rms) SPL as determined from the maximum 20–40 in^3 array measurements (Table 7A in BP's application), which is 1.6 km. Based on

a radius of 1.6 km, the 160 dB isopleth used in the exposure calculations was 8 km².

The estimated number of 24-hr days of airgun operations is 7.5 days (180 hours), not including downtime. Downtime is related to weather, equipment maintenance, mitigation implementation, and other circumstances.

Average and maximum estimates of the number of bowhead and beluga whales potentially exposed to sound pressure levels of 160 dB re 1μPa (rms) or more are summarized in Table 9 in BP's application. Species such as gray whale, killer whale, and harbor porpoise are not expected to be encountered but might be present in very low numbers; the maximum expected number of exposures for these species provided in Table 9 of BP's application is based on the likelihood of incidental occurrences.

The average and maximum number of bowhead whales potentially exposed to sound levels of 160 dB re 1μPa (rms) or more is estimated at 0 and 1, respectively. BP requested to take three bowheads to account for chance encounters. The average and maximum number of potential beluga exposures to 160 dB is 0 and 1, respectively. Belugas are known to show aggregate behavior and can occur in large numbers in nearshore zones, as evidenced by the sighting at Endicott in August 2013. Therefore, for the unlikely event that a group of belugas appears within the 160 dB isopleth during the proposed seismic survey, BP added a number of 75 to the requested authorization. Chance encounters with small numbers of other whale species are possible.

These estimated exposures do not take into account the proposed mitigation measures, such as PSOs watching for animals, shutdowns or power downs of the airguns when marine mammals are seen within defined ranges, and ramp-up of airguns.

2. Number of Pinnipeds Potentially Taken by Harassment

The estimated number of seals that might be exposed to pulsed sounds of 160 dB re 1 μPa (rms) was calculated by multiplying:

- The expected species specific sighting rate as provided in Table 7 in this document (also in Table 6 in BP's application); and
- The total number of hours that each source vessel will be operating during the data acquisition period.

The estimated number of hours that airguns will be operating is 180 hours (7.5 days of 24 hour operations). The resulting average and maximum number of ringed, bearded, and spotted seal exposures based on 180 hours of airgun operations are summarized in Table 9 of BP's application. BP assumed that all seal sightings would occur within the 160 dB isopleth. These estimated exposures do not take into account the proposed mitigation measures, such as PSOs watching for animals, shutdowns or power downs of the airguns when marine mammals are seen within defined ranges, and ramp-up of airguns.

Estimated Take by Harassment Summary

Table 9 here outlines the density estimates used to estimate Level B takes, the proposed Level B harassment take levels, the abundance of each species in the Beaufort Sea, the percentage of each species or stock estimated to be taken, and current population trends. As explained earlier in this document, NMFS used the maximum density estimates or sighting rates and proposes to authorize the maximum estimates of exposures. Additionally, as explained earlier, density estimates are not available for species that are uncommon in the proposed survey area.

TABLE 9—DENSITY ESTIMATES OR SPECIES SIGHTING RATES, PROPOSED LEVEL B HARASSMENT TAKE LEVELS, SPECIES OR STOCK ABUNDANCE, PERCENTAGE OF POPULATION PROPOSED TO BE TAKEN, AND SPECIES TREND STATUS

Species	Density (#/km²)	Sighting rate (ind/hr)	Proposed Level B take	Abundance	Percentage of population	Trend
Beluga whale	0.0105		75	39,258	0.19	No reliable information.
Killer whale	NA		1	552	0.18	Stable.
Harbor porpoise	NA		1	48,215	>0.01	No reliable information.
Bowhead whale	0.0055		3	16,892	0.02	Increasing.
Gray whale	NA		1	19,126	0.01	Increasing.
Bearded seal		0.107	19	155,000	0.01	No reliable information.
Ringed seal		0.397	71	300,000	0.02	No reliable information.
Spotted seal		0.126	23	141,479	0.02	No reliable information.
Ribbon seal		NA	1	49,000	>0.01	No reliable information.

Analysis and Preliminary Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, effects on habitat, and the status of the species.

No injuries or mortalities are anticipated to occur as a result of BP's proposed shallow geohazard survey, and none are proposed to be authorized. Additionally, animals in the area are not expected to incur hearing impairment (i.e., TTS or PTS) or non-auditory physiological effects. The number of takes that are anticipated and authorized are expected to be limited to short-term Level B behavioral harassment. While the airguns will be operated continuously for about 7.5 days, the project time frame will occur when cetacean species are typically not found in the project area or are found only in low numbers. While pinnipeds are likely to be found in the proposed project area more frequently, their distribution is dispersed enough that they likely will not be in the Level B harassment zone continuously. As mentioned previously in this document, pinnipeds appear to be more tolerant of anthropogenic sound than mysticetes.

The use of sidescan sonar, multibeam echosounder, and subbottom profiler continuously for 7.5 days will not negatively impact marine mammals as the majority of these instruments are operated outside of the hearing frequencies of marine mammals.

The Alaskan Beaufort Sea is part of the main migration route of the Western Arctic stock of bowhead whales. However, the seismic survey has been planned to occur when the majority of the population is found in the Canadian Beaufort Sea. Operation of airguns and other sound sources will cease by midnight on August 25 before the main fall migration begins and well before cow/calf pairs begin migrating through the area. Additionally, several locations within the Beaufort Sea serve as feeding grounds for bowhead whales. However, as mentioned earlier in this document, the primary feeding grounds are not found in Foggy Island Bay. The majority of bowhead whales feed in the Alaskan Beaufort Sea during the fall migration period, which will occur after the cessation of the survey.

Belugas that migrate through the U.S. Beaufort Sea typically do so farther offshore (more than 37 mi [60 km]) and in deeper waters (more than 656 ft [200 m]) than where the proposed survey activities would occur. Gray whales are rarely sighted this far east in the U.S. Beaufort Sea. Additionally, there are no known feeding grounds for gray whales in the Foggy Island Bay area. The most northern feeding sites known for this species are located in the Chukchi Sea near Hanna Shoal and Point Barrow. The other cetacean species for which take is proposed are uncommon in Foggy Island Bay, and no known feeding or calving grounds occur in Foggy Island Bay for these species. Based on these factors, exposures of cetaceans to anthropogenic sounds are not expected to last for prolonged periods (i.e., several days) since they are not known to remain in the area for extended periods of time in July and August. Also, the shallow water location of the survey makes it unlikely that cetaceans would remain in the area for prolonged periods. Based on all of this information, the proposed project is not anticipated to affect annual rates of recruitment or survival for cetaceans in the area.

Ringed seals breed and pup in the Alaskan Beaufort Sea; however, the proposed survey will occur outside of the breeding and pupping seasons. The Beaufort Sea does not provide suitable habitat for the other three ice seal species for breeding and pupping. Based on this information, the proposed project is not anticipated to affect annual rates of recruitment or survival for pinnipeds in the area.

Of the nine marine mammal species for which take is authorized, one is listed as endangered under the ESA—the bowhead whale—and two are listed as threatened—ringed and bearded seals. Schweder *et al.* (2009) estimated the yearly growth rate to be 3.2% (95% CI = 0.5–4.8%) between 1984 and 2003 using a sight-resight analysis of aerial photographs. There are currently no reliable data on trends of the ringed and bearded seal stocks in Alaska. The ribbon seal is listed as a species of concern under the ESA. Certain stocks or populations of gray, killer, and beluga whales and spotted seals are listed as endangered or are proposed for listing under the ESA; however, none of those stocks or populations occur in the activity area. There is currently no established critical habitat in the project area for any of these nine species.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from BP's proposed shallow geohazard survey in Foggy Island Bay, Beaufort Sea, Alaska, will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

The requested takes proposed to be authorized represent less than 1% of all populations or stocks (see Table 9 in this document). These take estimates represent the percentage of each species or stock that could be taken by Level B behavioral harassment if each animal is taken only once. The numbers of marine mammals taken are small relative to the affected species or stock sizes. In addition, the mitigation and monitoring measures (described previously in this document) proposed for inclusion in the IHA (if issued) are expected to reduce even further any potential disturbance to marine mammals. NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks. Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

Relevant Subsistence Uses

The disturbance and potential displacement of marine mammals by sounds from the proposed survey are the principal concerns related to subsistence use of the area. Subsistence remains the basis for Alaska Native culture and community. Marine mammals are legally hunted in Alaskan waters by coastal Alaska Natives. In rural Alaska, subsistence activities are often central to many aspects of human existence, including patterns of family life, artistic expression, and community religious and celebratory activities. Additionally, the animals taken for subsistence provide a significant portion of the food that will last the community throughout the year. The main species that are hunted include bowhead and beluga whales, ringed, spotted, and bearded seals, walruses, and polar bears. (As mentioned previously in this document, both the walrus and the polar bear are under the USFWS' jurisdiction.) The importance of each of these species varies among the communities and is largely based on availability.

Residents of the village of Nuiqsut are the primary subsistence users in the project area. The communities of Barrow and Kaktovik also harvest resources that pass through the area of interest but do not hunt in or near the Foggy Island Bay area. Subsistence hunters from all three communities conduct an annual hunt for autumn-migrating bowhead whales. Barrow also conducts a bowhead hunt in spring. Residents of all three communities hunt seals. Other subsistence activities include fishing, waterfowl and seaduck harvests, and hunting for walrus, beluga whales, polar bears, caribou, and moose.

Nuiqsut is the community closest to the seismic survey area (approximately 73 mi [117.5 km] southwest). Nuiqsut hunters harvest bowhead whales only during the fall whaling season (Long, 1996). In recent years, Nuiqsut whalers have typically landed three or four whales per year. Nuiqsut whalers concentrate their efforts on areas north and east of Cross Island, generally in water depths greater than 66 ft (20 m; Galginaitis, 2009). Cross Island is the principal base for Nuiqsut whalers while they are hunting bowheads (Long, 1996). Cross Island is located approximately 10 mi (16 km) from the closest boundary of the survey area.

Kaktovik whalers search for whales east, north, and occasionally west of Kaktovik. Kaktovik is located approximately 91 mi (146.5 km) east of Foggy Island Bay. The western most reported harvest location was about 13 mi (21 km) west of Kaktovik, near 70°10′ N., 144°11′ W. (Kaleak, 1996). That site is about 80 mi (129 km) east of the proposed survey area.

Barrow whalers search for whales much farther from the Foggy Island Bay area—about 200+ mi (322+ km) to the west. Barrow hunters have expressed

concerns about ''downstream'' effects to bowhead whales during the westward fall migration; however, BP will cease airgun operations prior to the start of the fall migration.

Beluga whales are not a prevailing subsistence resource in the communities of Kaktovik and Nuiqsut. Kaktovik hunters may harvest one beluga whale in conjunction with the bowhead hunt; however, it appears that most households obtain beluga through exchanges with other communities. Although Nuiqsut hunters have not hunted belugas for many years while on Cross Island for the fall hunt, this does not mean that they may not return to this practice in the future. Data presented by Braund and Kruse (2009) indicate that only 1% of Barrow's total harvest between 1962 and 1982 was of beluga whales and that it did not account for any of the harvested animals between 1987 and 1989.

Ringed seals are available to subsistence users in the Beaufort Sea year-round, but they are primarily hunted in the winter or spring due to the rich availability of other mammals in the summer. Bearded seals are primarily hunted during July in the Beaufort Sea; however, in 2007, bearded seals were harvested in the months of August and September at the mouth of the Colville River Delta, which is approximately 50+ mi (80+ km) from the proposed survey area. However, this sealing area can reach as far east as Pingok Island, which is approximately 20 mi (32 km) west of the survey area. An annual bearded seal harvest occurs in the vicinity of Thetis Island (which is a considerable distance from Foggy Island Bay) in July through August. Approximately 20 bearded seals are harvested annually through this hunt. Spotted seals are harvested by some of the villages in the summer months. Nuiqsut hunters typically hunt spotted seals in the nearshore waters off the Colville River Delta. The majority of the more established seal hunts that occur in the Beaufort Sea, such as the Colville delta area hunts, are located a significant distance (in some instances 50 mi [80 km] or more) from the project area.

Potential Impacts to Subsistence Uses

NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as: ''. . . an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.''

Noise and general activity during BP's proposed shallow geohazard survey have the potential to impact marine mammals hunted by Native Alaskan. In the case of cetaceans, the most common reaction to anthropogenic sounds (as noted previously) is avoidance of the ensonified area. In the case of bowhead whales, this often means that the animals divert from their normal migratory path by several kilometers. Helicopter activity, although not really anticipated, also has the potential to disturb cetaceans and pinnipeds by causing them to vacate the area. Additionally, general vessel presence in the vicinity of traditional hunting areas could negatively impact a hunt. Native knowledge indicates that bowhead whales become increasingly ''skittish'' in the presence of seismic noise. Whales are more wary around the hunters and tend to expose a much smaller portion of their back when surfacing (which makes harvesting more difficult). Additionally, natives report that bowheads exhibit angry behaviors in the presence of seismic, such as tail-slapping, which translate to danger for nearby subsistence harvesters.

Plan of Cooperation or Measures To Minimize Impacts to Subsistence Hunts

Regulations at 50 CFR 216.104(a)(12) require IHA applicants for activities that take place in Arctic waters to provide a Plan of Cooperation or information that identifies what measures have been taken and/or will be taken to minimize adverse effects on the availability of marine mammals for subsistence purposes. BP has begun discussions with the Alaska Eskimo Whaling Commission (AEWC) to develop a Conflict Avoidance Agreement (CAA) intended to minimize potential interference with bowhead subsistence hunting. BP also attended and participated in meetings with the AEWC on December 13, 2013, and will attend future meetings to be scheduled in 2014. The CAA, when executed, will describe measures to minimize any adverse effects on the availability of bowhead whales for subsistence uses.

The North Slope Borough Department of Wildlife Management (NSB–DWM) will be consulted, and BP plans to present the project to the NSB Planning Commission in 2014. BP will hold meetings in the community of Nuiqsut to present the proposed project, address questions and concerns from community members, and provide them with contact information of project management to which they can direct concerns during the survey. During the NMFS Open-Water Meeting in Anchorage in 2013, BP presented their proposed projects to various stakeholders that were present during this meeting.

BP will continue to engage with the affected subsistence communities regarding its Beaufort Sea activities. As in previous years, BP will meet formally and/or informally with several stakeholder entities: The NSB Planning Department, NSB–DWM, NMFS, AEWC, Inupiat Community of the Arctic Slope, Inupiat History Language and Culture Center, USFWS, Nanuq and Walrus Commissions, and Alaska Department of Fish & Game.

Project information was provided to and input on subsistence obtained from the AEWC and Nanuq Commission at the following meetings:

- AEWC, October 17, 2013; and
- Nanuq Commission, October 17, 2013.

Additional meetings with relevant stakeholders will be scheduled and a record of attendance and topics discussed will be maintained and submitted to NMFS.

BP proposes to implement several mitigation measures to reduce impacts on the availability of marine mammals for subsistence hunts in the Beaufort Sea. Many of these measures were developed from the 2013 CAA and previous NSB Development Permits. In addition to the measures listed next, BP will cease all airgun operations by midnight on August 25 to allow time for the Beaufort Sea communities to prepare for their fall bowhead whale hunts prior to the beginning of the fall westward migration through the Beaufort Sea. Some of the measures mentioned next have been mentioned previously in this document:

- PSOs on board vessels are tasked with looking out for whales and other marine mammals in the vicinity of the vessel to assist the vessel captain in avoiding harm to whales and other marine mammals.;
- Vessels and aircraft will avoid areas where species that are sensitive to noise or vessel movements are concentrated;
- Communications and conflict resolution are detailed in the CAA. BP will participate in the Communications Center that is operated annually during the bowhead subsistence hunt;
- Communications with the village of Nuiqsut to discuss community questions or concerns including all subsistence hunting activities. Pre-project meeting(s) with Nuiqsut

representatives will be held at agreed times with groups in the community of Nuiqsut. If additional meetings are requested, they will be set up in a similar manner;

- Contact information for BP will be provided to community members and distributed in a manner agreed at the community meeting;
- BP has contracted with a liaison from Nuiqsut who will help coordinate meetings and serve as an additional contact for local residents during planning and operations; and
- Inupiat Communicators will be employed and work on seismic source vessels. They will also serve as PSOs.

Unmitigable Adverse Impact Analysis and Preliminary Determination

BP has adopted a spatial and temporal strategy for its Foggy Island Bay survey that should minimize impacts to subsistence hunters. First, BP's activities will not commence until after the spring hunts have occurred. Second, BP will cease all airgun operations by midnight on August 25 prior to the start of the bowhead whale fall westward migration and any fall subsistence hunts by Beaufort Sea communities. Foggy Island Bay is not commonly used for subsistence hunts. Although some seal hunting co-occurs temporally with BP's proposed survey, the locations do not overlap. BP's presence will not place physical barriers between the sealers and the seals. Additionally, BP will work closely with the closest affected communities and support Communications Centers and employ local Inupiat Communicators. Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the proposed mitigation and monitoring measures, NMFS has preliminarily determined that there will not be an unmitigable adverse impact on subsistence uses from BP's proposed activities.

Endangered Species Act (ESA)

Within the project area, the bowhead whale is listed as endangered and the ringed and bearded seals are listed as threatened under the ESA. NMFS' Permits and Conservation Division has initiated consultation with staff in NMFS' Alaska Region Protected Resources Division under section 7 of the ESA on the issuance of an IHA to BP under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded prior to a determination on the issuance of an IHA.

National Environmental Policy Act (NEPA)

NMFS is currently conducting an analysis, pursuant to NEPA, to determine whether this proposed IHA may have a significant effect on the human environment. This analysis will be completed prior to the issuance or denial of this proposed IHA.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to BP for conducting a shallow geohazard survey in the Foggy Island Bay area of the Beaufort Sea, Alaska, during the 2014 open-water season, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. The proposed IHA language is provided next.

This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

1. This IHA is valid from July 1, 2014, through September 30, 2014.

2. This IHA is valid only for activities associated with open-water shallow geohazard surveys and related activities in the Beaufort Sea. The specific areas where BP's surveys will be conducted are within the Foggy Island Bay Area, Beaufort Sea, Alaska, as shown in Figure 1 of BP's IHA application.

3. Species Authorized and Level of Take:

a. The incidental taking of marine mammals, by Level B harassment only, is limited to the following species in the waters of the Beaufort Sea:

i. Odontocetes: 75 Beluga whales; 1 killer whale; and 1 harbor porpoise.

ii. Mysticetes: 3 Bowhead whales and 1 gray whale.

iii. Pinnipeds: 71 Ringed seals; 19 bearded seals; 23 spotted seals; and 1 ribbon seal.

iv. If any marine mammal species not listed in conditions 3(a)(i) through (iii) are encountered during seismic survey operations and are likely to be exposed to sound pressure levels (SPLs) greater than or equal to 160 dB re 1 μPa (rms) for impulse sources, then the Holder of this IHA must shut-down the sound source to avoid take.

b. The taking by injury (Level A harassment) serious injury, or death of any of the species listed in condition 3(a) or the taking of any kind of any other species of marine mammal is prohibited and may result in the modification, suspension or revocation of this IHA.

4. The authorization for taking by harassment is limited to the following acoustic sources (or sources with comparable frequency and intensity) and from the following activities:

a. 30 in^3 airgun arrays;

b. 10 in^3 and/or 5 in^3 mitigation airguns; and

c. Vessel activities related to the OBS seismic survey.

5. The taking of any marine mammal in a manner prohibited under this Authorization must be reported within 24 hours of the taking to the Alaska Regional Administrator or his designee and the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, or her designee.

6. The holder of this Authorization must notify the Chief of the Permits and Conservation Division, Office of Protected Resources, at least 48 hours prior to the start of collecting seismic data (unless constrained by the date of issuance of this IHA in which case notification shall be made as soon as possible).

7. Mitigation Requirements: The Holder of this Authorization is required to implement the following mitigation requirements when conducting the specified activities to achieve the least practicable impact on affected marine mammal species or stocks:

a. General Vessel and Aircraft Mitigation

i. Avoid concentrations or groups of whales by all vessels under the direction of BP. Operators of support vessels should, at all times, conduct their activities at the maximum distance possible from such concentrations of whales.

ii. The vessel shall be operated at speeds necessary to ensure no physical contact with whales occurs. If the vessel approaches within 1.6 km (1 mi) of observed whales, except when providing emergency assistance to whalers or in other emergency situations, the vessel operator will take reasonable precautions to avoid potential interaction with the whales by taking one or more of the following actions, as appropriate:

A. Reducing vessel speed to less than 5 knots within 300 yards (900 feet or 274 m) of the whale(s);

B. Steering around the whale(s) if possible;

C. Operating the vessel(s) in such a way as to avoid separating members of a group of whales from other members of the group;

D. Operating the vessel(s) to avoid causing a whale to make multiple changes in direction;

E. Checking the waters immediately adjacent to the vessel(s) to ensure that

no whales will be injured when the propellers are engaged; and

F. Reducing vessel speed to less than 9 knots when weather conditions reduce visibility.

iii. When weather conditions require, such as when visibility drops, adjust vessel speed accordingly to avoid the likelihood of injury to whales.

iv. In the event that any aircraft (such as helicopters) are used to support the planned survey, the mitigation measures below would apply:

A. Under no circumstances, other than an emergency, shall aircraft be operated at an altitude lower than 1,000 feet above sea level when within 0.3 mile (0.5 km) of groups of whales.

B. Helicopters shall not hover or circle above or within 0.3 mile (0.5 km) of groups of whales.

C. At all other times, aircraft should attempt not to fly below 1,000 ft except during emergencies and take-offs and landings.

b. Seismic Airgun Mitigation

i. Whenever a marine mammal is detected outside the exclusion zone radius and based on its position and motion relative to the ship track is likely to enter the exclusion radius, calculate and implement an alternative ship speed or track or de-energize the airgun array, as described in condition 7(b)(iv) below.

ii. *Exclusion Zones:*

A. Establish and monitor with trained PSOs an exclusion zone for cetaceans surrounding the airgun array on the source vessel where the received level would be 180 dB re 1 μPa rms. This radius is estimated to be 200 m from the seismic source for the 30 in^3 airgun arrays and 50 m for a single 5 in^3 airgun.

B. Establish and monitor with trained PSOs an exclusion zone for pinnipeds surrounding the airgun array on the source vessel where the received level would be 190 dB re 1 μPa rms. This radius is estimated to be 70 m from the seismic source for the 30 in^3 airgun arrays and 20 m for a single 5 in^3 airgun.

iii. *Ramp-up:*

A. A ramp-up, following a cold start, can be applied if the exclusion zone has been free of marine mammals for a consecutive 30-minute period. The entire exclusion zone must have been visible during these 30 minutes. If the entire exclusion zone is not visible, then ramp-up from a cold start cannot begin.

B. Ramp-up procedures from a cold start shall be delayed if a marine mammal is sighted within the exclusion zone during the 30-minute period prior to the ramp up. The delay shall last until the marine mammal(s) has been observed to leave the exclusion zone or until the animal(s) is not sighted for at least 15 or 30 minutes. The 15 minutes applies to pinnipeds, while a 30 minute observation period applies to cetaceans.

C. A ramp-up, following a shutdown, can be applied if the marine mammal(s) for which the shutdown occurred has been observed to leave the exclusion zone or until the animal(s) is not sighted for at least 15 minutes (pinnipeds) or 30 minutes (cetaceans).

D. If, for any reason, electrical power to the airgun array has been discontinued for a period of 10 minutes or more, ramp-up procedures shall be implemented. Only if the PSO watch has been suspended, a 30-minute clearance of the exclusion zone is required prior to commencing ramp-up. Discontinuation of airgun activity for less than 10 minutes does not require a ramp-up.

E. The seismic operator and PSOs shall maintain records of the times when ramp-ups start and when the airgun arrays reach full power.

F. The ramp-up will be conducted by doubling the number of operating airguns at 5-minute intervals, starting with the smallest gun in the array.

iv. *Power-down/Shutdown:*

A. The airgun array shall be immediately powered down (reduction in the number of operating airguns such that the radii of exclusion zones are decreased) whenever a marine mammal is sighted approaching close to or within the applicable exclusion zone of the full array, but is outside the applicable exclusion zone of the single mitigation airgun.

B. If a marine mammal is already within the exclusion zone when first detected, the airguns shall be powered down immediately.

C. Following a power-down, ramp-up to the full airgun array shall not resume until the marine mammal has cleared the exclusion zone. The animal will be considered to have cleared the exclusion zone if it is visually observed to have left the exclusion zone of the full array, or has not been seen within the zone for 15 minutes (pinnipeds) or 30 minutes (cetaceans).

D. If a marine mammal is sighted within or about to enter the 190 or 180 dB (rms) applicable exclusion zone of the single mitigation airgun, the airgun array shall be shutdown immediately.

E. Airgun activity after a complete shutdown shall not resume until the marine mammal has cleared the exclusion zone of the full array. The animal will be considered to have cleared the exclusion zone as described above under ramp-up procedures.

v. *Poor Visibility Conditions:*

A. If during foggy conditions, heavy snow or rain, or darkness, the full 180 dB exclusion zone is not visible, the airguns cannot commence a ramp-up procedure from a full shut-down.

B. If one or more airguns have been operational before nightfall or before the onset of poor visibility conditions, they can remain operational throughout the night or poor visibility conditions. In this case ramp-up procedures can be initiated, even though the exclusion zone may not be visible, on the assumption that marine mammals will be alerted by the sounds from the single airgun and have moved away.

C. The mitigation airgun will be operated at approximately one shot per minute and will not be operated for longer than three hours in duration during daylight hours and good visibility. In cases when the next start-up after the turn is expected to be during lowlight or low visibility, use of the mitigation airgun may be initiated 30 minutes before darkness or low visibility conditions occur and may be operated until the start of the next seismic acquisition line. The mitigation gun must still be operated at approximately one shot per minute.

c. Subsistence Mitigation

i. Airgun and echosounder, sonar, and subbottom profiler operations must cease no later than midnight on August 25, 2014;

ii. BP will participate in the Communications Center that is operated annually during the bowhead subsistence hunt; and

iii. Inupiat communicators will work on the seismic vessels.

8. Monitoring

a. The holder of this Authorization must designate biologically-trained, on-site individuals (PSOs) to be onboard the source vessels, who are approved in advance by NMFS, to conduct the visual monitoring programs required under this Authorization and to record the effects of seismic surveys and the resulting sound on marine mammals.

i. PSO teams shall consist of Inupiat observers and experienced field biologists. An experienced field crew leader will supervise the PSO team onboard the survey vessel. New observers shall be paired with experienced observers to avoid situations where lack of experience impairs the quality of observations.

ii. Crew leaders and most other biologists serving as observers will be individuals with experience as observers during recent seismic or shallow hazards monitoring projects in

Alaska, the Canadian Beaufort, or other offshore areas in recent years.

iii. PSOs shall complete a training session on marine mammal monitoring, to be conducted shortly before the anticipated start of the 2014 open-water season. The training session(s) will be conducted by qualified marine mammalogists with extensive crew-leader experience during previous vessel-based monitoring programs. An observers' handbook, adapted for the specifics of the planned survey program will be reviewed as part of the training.

iv. If there are Alaska Native PSOs, the PSO training that is conducted prior to the start of the survey activities shall be conducted with both Alaska Native PSOs and biologist PSOs being trained at the same time in the same room. There shall not be separate training courses for the different PSOs.

v. Crew members should not be used as primary PSOs because they have other duties and generally do not have the same level of expertise, experience, or training as PSOs, but they could be stationed on the fantail of the vessel to observe the near field, especially the area around the airgun array and implement a power-down or shutdown if a marine mammal enters the exclusion zone).

vi. If crew members are to be used as PSOs, they shall go through some basic training consistent with the functions they will be asked to perform. The best approach would be for crew members and PSOs to go through the same training together.

vii. PSOs shall be trained using visual aids (e.g., videos, photos), to help them identify the species that they are likely to encounter in the conditions under which the animals will likely be seen.

viii. BP shall train its PSOs to follow a scanning schedule that consistently distributes scanning effort according to the purpose and need for observations. For example, the schedule might call for 60% of scanning effort to be directed toward the near field and 40% at the far field. All PSOs should follow the same schedule to ensure consistency in their scanning efforts.

ix. PSOs shall be trained in documenting the behaviors of marine mammals. PSOs should simply record the primary behavioral state (i.e., traveling, socializing, feeding, resting, approaching or moving away from vessels) and relative location of the observed marine mammals.

b. To the extent possible, PSOs should be on duty for four (4) consecutive hours or less, although more than one four-hour shift per day is acceptable; however, an observer shall not be on duty for more than 12 hours in a 24-hour period.

c. Monitoring is to be conducted by the PSOs onboard the active seismic vessels to ensure that no marine mammals enter the appropriate exclusion zone whenever the seismic acoustic sources are on and to record marine mammal activity as described in condition 8(f). Two PSOs will be present on the vessel. At least one PSO shall monitor for marine mammals at any time during daylight hours.

d. At all times, the crew must be instructed to keep watch for marine mammals. If any are sighted, the bridge watch-stander must immediately notify the PSO(s) on-watch. If a marine mammal is within or closely approaching its designated exclusion zone, the seismic acoustic sources must be immediately powered down or shutdown (in accordance with condition 7(b)(iv)).

e. Observations by the PSOs on marine mammal presence and activity will begin a minimum of 30 minutes prior to the estimated time that the seismic source is to be turned on and/or ramped-up.

f. All marine mammal observations and any airgun power-down, shut-down and ramp-up will be recorded in a standardized format. Data will be entered into a custom database. The accuracy of the data entry will be verified daily through QA/QC procedures. These procedures will allow initial summaries of data to be prepared during and shortly after the field program, and will facilitate transfer of the data to other programs for further processing and archiving.

g. Monitoring shall consist of recording:

i. The species, group size, age/size/sex categories (if determinable), the general behavioral activity, heading (if consistent), bearing and distance from seismic vessel, sighting cue, behavioral pace, and apparent reaction of all marine mammals seen near the seismic vessel and/or its airgun array (e.g., none, avoidance, approach, paralleling, etc);

ii. The time, location, heading, speed, and activity of the vessel (shooting or not), along with sea state, visibility, cloud cover and sun glare at:

A. Any time a marine mammal is sighted (including pinnipeds hauled out on barrier islands),

B. At the start and end of each watch, and

C. During a watch (whenever there is a change in one or more variable);

iii. The identification of all vessels that are visible within 5 km of the seismic vessel whenever a marine mammal is sighted, and the time observed, bearing, distance, heading, speed and activity of the other vessel(s);

iv. Any identifiable marine mammal behavioral response (sighting data should be collected in a manner that will not detract from the PSO's ability to detect marine mammals);

v. Any adjustments made to operating procedures; and

iv. Visibility during observation periods so that total estimates of take can be corrected accordingly.

h. BP shall work with its observers to develop a means for recording data that does not reduce observation time significantly.

i. PSOs shall use the best possible positions for observing (e.g., outside and as high on the vessel as possible), taking into account weather and other working conditions. PSOs shall carefully document visibility during observation periods so that total estimates of take can be corrected accordingly.

j. PSOs shall scan systematically with the unaided eye and reticle binoculars, and other devices.

k. PSOs shall attempt to maximize the time spent looking at the water and guarding the exclusion radii. They shall avoid the tendency to spend too much time evaluating animal behavior or entering data on forms, both of which detract from their primary purpose of monitoring the exclusion zone.

l. Night-vision equipment (Generation 3 binocular image intensifiers, or equivalent units) shall be available for use during low light hours, and BP shall continue to research methods of detecting marine mammals during periods of low visibility.

m. PSOs shall understand the importance of classifying marine mammals as ''unknown'' or ''unidentified'' if they cannot identify the animals to species with confidence. In those cases, they shall note any information that might aid in the identification of the marine mammal sighted. For example, for an unidentified mysticete whale, the observers should record whether the animal had a dorsal fin.

n. Additional details about unidentified marine mammal sightings, such as ''blow only'', mysticete with (or without) a dorsal fin, ''seal splash'', etc., shall be recorded.

o. BP shall conduct a fish and airgun sound monitoring program as described in the IHA application and further refined in consultation with an expert panel.

9. *Data Analysis and Presentation in Reports:*

a. Estimation of potential takes or exposures shall be improved for times with low visibility (such as during fog

or darkness) through interpolation or possibly using a probability approach. Those data could be used to interpolate possible takes during periods of restricted visibility.

b. Water depth should be continuously recorded by the vessel and for each marine mammal sighting. Water depth should be accounted for in the analysis of take estimates.

c. BP shall be very clear in their report about what periods are considered ''non-seismic'' for analyses.

d. BP shall examine data from ASAMM and other such programs to assess possible impacts from their seismic survey.

e. To better assess impacts to marine mammals, data analysis shall be separated into periods when a seismic airgun array (or a single mitigation airgun) is operating and when it is not. Final and comprehensive reports to NMFS should summarize and plot:

i. Data for periods when a seismic array is active and when it is not; and

ii. The respective predicted received sound conditions over fairly large areas (tens of km) around operations.

f. To help evaluate the effectiveness of PSOs and more effectively estimate take, if appropriate data are available, BP shall perform analysis of sightability curves (detection functions) for distance-based analyses.

g. BP should improve take estimates and statistical inference into effects of the activities by incorporating the following measures:

i. Reported results from all hypothesis tests should include estimates of the associated statistical power when practicable.

ii. Estimate and report uncertainty in all take estimates. Uncertainty could be expressed by the presentation of confidence limits, a minimum-maximum, posterior probability distribution, etc.; the exact approach would be selected based on the sampling method and data available.

10. *Reporting Requirements:* The Holder of this Authorization is required to:

a. A report will be submitted to NMFS within 90 days after the end of the proposed seismic survey. The report will summarize all activities and monitoring results conducted during in-water seismic surveys. The Technical Report will include the following:

i. Summary of project start and end dates, airgun activity, number of guns, and the number and circumstances of implementing ramp-up, power down, shutdown, and other mitigation actions;

ii. Summaries of monitoring effort (e.g., total hours, total distances, and marine mammal distribution through the study period, accounting for sea state and other factors affecting visibility and detectability of marine mammals);

iii. Analyses of the effects of various factors influencing detectability of marine mammals (e.g., sea state, number of observers, and fog/glare);

iv. Species composition, occurrence, and distribution of marine mammal sightings, including date, water depth, numbers, age/size/gender categories (if determinable), and group sizes;

v. Analyses of the effects of survey operations;

vi. Sighting rates of marine mammals during periods with and without seismic survey activities (and other variables that could affect detectability), such as:

A. Initial sighting distances versus survey activity state;

B. Closest point of approach versus survey activity state;

C. Observed behaviors and types of movements versus survey activity state;

D. Numbers of sightings/individuals seen versus survey activity state;

E. Distribution around the source vessels versus survey activity state; and

F. Estimates of exposures of marine mammals to Level B harassment thresholds based on presence in the 160 dB harassment zone.

b. The draft report will be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS. The draft report will be considered the final report for this activity under this Authorization if NMFS has not provided comments and recommendations within 90 days of receipt of the draft report.

c. BP will present the results of the fish and airgun sound study to NMFS in a detailed report.

11. Notification of Dead or Injured Marine Mammals

a. In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA, such as an injury (Level A harassment), serious injury or mortality (e.g., ship-strike, gear interaction, and/or entanglement), BP would immediately cease the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the Alaska Regional Stranding Coordinators. The report would include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the prohibited take. NMFS would work with BP to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. BP would not be able to resume their activities until notified by NMFS via letter, email, or telephone.

b. In the event that BP discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as described in the next paragraph), BP would immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinators. The report would include the same information identified in the paragraph above. Activities would be able to continue while NMFS reviews the circumstances of the incident. NMFS would work with BP to determine whether modifications in the activities are appropriate.

c. In the event that BP discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), BP would report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinators, within 24 hours of the discovery. BP would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network.

12. Activities related to the monitoring described in this IHA do not require a separate scientific research

permit issued under section 104 of the MMPA.

13. BP is required to comply with the Reasonable and Prudent Measures and Terms and Conditions of the Incidental Take Statement (ITS) corresponding to NMFS' Biological Opinion.

14. A copy of this IHA and the ITS must be in the possession of all contractors and PSOs operating under the authority of this IHA.

15. Penalties and Permit Sanctions: Any person who violates any provision of this Incidental Harassment Authorization is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA.

16. This Authorization may be modified, suspended or withdrawn if the Holder fails to abide by the conditions prescribed herein or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals, or if there is an unmitigable adverse impact on the availability of such species or stocks for subsistence uses.

Request for Public Comments

NMFS requests comment on our analysis, the draft authorization, and any other aspect of the Notice of Proposed IHA for BP's proposed shallow geohazard survey in the Foggy Island Bay area of the Beaufort Sea, Alaska, during the 2014 open-water season. Please include with your comments any supporting data or literature citations to help inform our final decision on BP's request for an MMPA authorization.

Dated: April 10, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–08534 Filed 4–15–14; 8:45 am]

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Part III

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 CFR Parts 403, 416, 418, et al.

Medicare and Medicaid Programs; Fire Safety Requirements for Certain Health Care Facilities; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 403, 416, 418, 460, 482, 483, and 485

[CMS–3277–P]

RIN 0938–AR72

Medicare and Medicaid Programs; Fire Safety Requirements for Certain Health Care Facilities

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the fire safety standards for Medicare and Medicaid participating hospitals, critical access hospitals (CAHs), long-term care facilities, intermediate care facilities for individuals with intellectual disabilities (ICF–IID), ambulatory surgery centers (ASCs), hospices which provide inpatient services, religious non-medical health care institutions (RNHCIs), and programs of all-inclusive care for the elderly (PACE) facilities. Further, this proposed rule would adopt the 2012 edition of the Life Safety Code (LSC) and eliminate references in our regulations to all earlier editions. It would also adopt the 2012 edition of the Health Care Facilities Code, with some exceptions. We are providing the LSC citation, a description of the 2012 requirement, and an explanation of its benefits for health care facilities, patients, staff, and visitors over the 2000 version in each occupancy section.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on June 16, 2014.

ADDRESSES: In commenting, please refer to file code CMS–3277–P. 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–3277–P, P.O. Box 8010, Baltimore, MD 21244–8010.

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–3277–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments only to the following addresses prior to the close of the comment period:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 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: Kristin Shifflett, (410) 786–4133. Danielle Shearer, (410) 786–6617.

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://www.regulations.gov*. Follow the search instructions on that Web site to view public comments.

Comments received timely will also be 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

A. Overview of the Life Safety Code and the Health Care Facilities Code

The Life Safety Code (LSC) is a compilation of fire safety requirements for new and existing buildings, and is updated and published every 3 years by the National Fire Protection Association (NFPA), a private, nonprofit organization dedicated to reducing loss of life due to fire. The LSC regulations adopted by Centers for Medicare & Medicaid Services (CMS) apply to hospitals, long-term care facilities (LTC), critical access hospitals (CAHs), ambulatory surgical centers (ASC), intermediate care facilities for individuals with intellectual disabilities (ICF–IIDs), hospice inpatient care facilities, programs for all inclusive care for the elderly (PACE), and religious non-medical health care institutions (RNHCIs). The Medicare and Medicaid regulations have historically incorporated by reference these requirements, along with Secretarial waiver authority. The statutory basis for incorporating NFPA's LSC for our providers and suppliers is the Secretary's authority to stipulate health and safety regulations for each type of Medicare and (if applicable) Medicaid-participating facilities, as well as the Secretary's general rulemaking authority set out at sections 1102 and 1871 of the Social Security Act (the Act).

In our regulations, issued pursuant to the Act, we have stated that we believe CMS has the authority to grant waivers of some provisions of the LSC when necessary; for instance, to hospitals under section 1861(e)(9) of the Act, and to LTC facilities at sections 1819(d)(2)(B) and 1919(d)(2)(B) of the Act. Currently, the Secretary may waive specific provisions of the LSC for any type of facility, if application of the rule would result in unreasonable hardship for the facility, and if the health and safety of its patients would not be compromised.

We do not consider it always necessary for a facility to be cited for a deficiency before it can apply for or receive a waiver. This is particularly the

case when we have evaluated specific provisions of the LSC, determined that a waiver would arguably apply to all similarly-situated facilities with respect to the LSC requirement in question, and issued a public communication describing the specifics of such a categorical waiver, including any particular requirements that must be met in order for the waiver to apply to a facility. Waiver approval in these instances would be subject to a review of documentation maintained by the facility, verification of the applicability of the waiver, and confirmation that the terms and requirements of the waiver have been implemented by the facility. In most cases such verification occurs when an onsite survey of the facility is conducted. We plan to continue this approach, but would like to clarify that in those cases where we have issued a prior public communication providing for a categorical waiver, an advance recommendation from a state survey agency or accrediting organization (as applicable), is not required in order for a waiver to be granted. We have issued categorical waivers of LSC requirements when newer editions of the LSC provided equally effective means of ensuring life safety compared to requirements of earlier LSC editions. When CMS has evaluated the alternative (such as examining the new fire safety research and technology), and concluded that the specific alternative would improve or maintain the safety of the residents or patients of the facility, CMS may defer to newer editions of the LSC. CMS requires that providers comply with applicable provisions of the version of the LSC referenced in the categorical waiver.

In addition, the Secretary may accept a state's fire and safety code instead of the LSC if CMS determines that the protections of the state's fire and safety code are equivalent to the protections offered by the LSC. Further, the NFPA's Fire Safety Evaluation System (FSES), an equivalency system, provides alternatives to meeting various provisions of the LSC, thereby achieving the same level of fire protection as the LSC. These flexibilities mitigate the potential burdens of applying the requirements of the LSC to all affected health care facilities.

On January 10, 2003, we published a final rule in the **Federal Register** (68 FR 1374) adopting the 2000 edition of the LSC. In this final rule, we required that all affected providers and suppliers meet the provisions of the 2000 edition of the LSC, with certain exceptions. One of the exceptions to the 2000 edition of the LSC is the code's use of roller latches on corridor doors in buildings that are fully protected by a sprinkler system. We believe that roller latches are a safety hazard under all circumstances and prohibit their use in all Medicare and applicable Medicaid facilities. We also removed references to all previous editions of the LSC.

In 2002, the Centers for Disease Control and Prevention (CDC) published an initial set of hand hygiene guidelines for health care settings on its Web site (*http://www.cdc.gov/handhygiene/Guidelines.html*). The guidelines recommended the use of alcohol-based hand rub (ABHR) dispensers. On September 22, 2006 we published a final rule (71 FR 55326), to allow certain health care facilities to place ABHR dispensers in exit corridors under specified conditions. To accommodate the placement of ABHR dispensers in health care facilities, the NFPA retroactively amended the 2000 edition of the code. When CMS adopts an edition of the LSC, it adopts that edition as it existed on the day of publication of the final rule. Since the changes to the 2000 edition of the LSC occurred after publication of the January 2003 final rule that adopted the 2000 edition of the LSC, CMS was required to use the notice and comment rulemaking process to adopt the amendment that the NFPA made to the code.

The September 2006 final rule also required that LTC facilities, at a minimum, install battery-powered single station smoke alarms in resident rooms and common areas if their buildings were not fully sprinklered, or if the building did not have system-based smoke detectors. A Government Accountability Office (GAO) report entitled ''Nursing Home Fire Safety: Recent Fires Highlight Weaknesses in Federal Standards and Oversights'' GAO–04–660, July 16, 2004, (*http://www.gao.gov/products/GAO-04-660*) examined two LTC facility fires (Hartford and Nashville) in 2003, that resulted in 31 total resident deaths. The report examined Federal fire safety standards and enforcement procedures, as well as results from the fire investigations of these two incidents. It specifically cited requiring smoke detectors in these facilities as one way to strengthen the requirements. We agreed with the GAO findings and added this smoke alarm requirement in response to the GAO report.

On August 13, 2008, we published a final rule (73 FR 47075), to require all LTC facilities to install automatic sprinkler systems throughout their buildings in accordance with the technical provisions of the 1999 edition of NFPA 13—*Standard for the Installation of Sprinkler Systems,* and to test, inspect, and maintain sprinkler systems in accordance with the technical requirements of the 1998 edition of NFPA 25—*Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems.* The August 2008 final rule required all LTC facilities to be equipped with sprinkler systems by August 13, 2013. This rule was also in response to the July 2004 GAO report on nursing home fire safety. In addition to its findings related to smoke alarms, the GAO recommended that fire safety standards for unsprinklered LTC facilities be strengthened, and cited sprinklers as the single most effective fire protection feature for LTC facilities.

On October 24, 2011, we published a proposed rule (76 FR 65891), to reform hospital and critical access hospital conditions of participation. Many of the public comments received during the comment period strongly encouraged CMS to adopt the 2012 edition of the LSC. The commenters stated that the newest edition of the LSC would clarify several issues and would be beneficial to facilities.

B. 2012 Edition of the Life Safety Code

The 2012 edition of the LSC includes new provisions that we believe are vital to the health and safety of all patients and staff. Our intention is to ensure that patients and staff continue to experience the highest degree of fire safety possible. The term ''Patient(s)'' will be globally used throughout this document, and refers to patient, clients, residents and all other terms used to describe the type of individuals cared for in each provider type. The use of earlier editions of the code can become problematic due to advances in safety and technology, and changes made to each edition of the code. Newer buildings are typically built to comply with the newer versions of the LSC because state and local jurisdictions, as well as non-CMS-approved accreditation programs, often adopt and enforce newer versions of the code as they become available. Therefore, a health care facility that is constructed or renovated in 2013 would likely be required by its state and local authorities to comply with a more recent edition of the LSC, while also being required to comply with the 2000 edition of the LSC to meet the Medicare and applicable Medicaid regulatory requirements. Requiring compliance with two different editions of the LSC at the same time can create unnecessary conflicts, duplications, and inconsistencies that increase construction and compliance costs without any fire safety or patient care benefits. For example, the 2000 edition

of the LSC limits ABHRs to gel form, whereas the 2012 edition of the LSC expands to allow aerosol and gel ABHRs. Limiting the choice of ABHRs creates barriers to improve hand hygiene, which has been shown to reduce the number of health care associated infections. We believe that adopting the 2012 LSC would simplify and modernize the construction and renovation process for affected health care providers and suppliers, reduce compliance-related burdens, and allowing for more resources to be used for patient care.

The 2012 edition of the LSC contains several significant changes from the 2000 edition. First, the format of the LSC has been altered. The LSC has eliminated the use of ''exceptions'' throughout the entire code to provide more consistency and easier reading. There was also a change in measurement systems, from centimeters to millimeters. Using a smaller unit of measurement allows for more precision and consistency throughout the LSC.

The 2000 LSC requires minor renovation projects to meet the same stringent requirements as those applied to completely new construction. However, the 2012 edition of the LSC contains a new chapter entitled, ''Chapter 43—Building Rehabilitation.'' This new chapter replaces the requirements that all modernizations/renovations meet the requirements for new construction. The degree to which requirements for new construction must be met now varies with the rehabilitation work category. This chapter sets out different types of building rehabilitation work (that is, repair, renovation, modification, reconstruction, change of use, change of occupancy and addition) to which different standards apply. We believe that this clarification will assist health care facilities by reducing costs for minor construction projects.

Buildings that have not received all pre-construction governmental approvals required by the jurisdiction(s) in which the building is to be built before the rule's effective date, or those buildings that begin construction after the effective date of this regulation, would be required to meet the New Occupancy chapters of the 2012 edition of the LSC. Buildings constructed before the effective date of this regulation would be required to meet the Existing Occupancy chapters of the 2012 edition of the LSC. Changes made to buildings would be required to comply with Chapter 43—Building Rehabilitation, which could require compliance with the New Occupancy chapters, depending on the changes being made. In instances where mandatory LSC references do not include existing chapters, existing occupancies must ensure buildings and equipment are in compliance with provisions previously adopted by CMS at the time they were constructed or installed.

Health Care Occupancies

The following are provisions that appear in the 2012 edition of the LSC, but that did not exist in the 2000 edition of the LSC, for Chapter 18, ''New Health Care Occupancies,'' and Chapter 19, ''Existing Health Care Occupancies.'' We are providing the LSC citation, a description of the 2012 requirement, and an explanation of its benefits for health care facilities, patients, staff, and visitors over the 2000 version.

Both the 2000 and 2012 editions of the LSC classify a ''Health Care Occupancy'' as a facility having 4 or more patients on an inpatient basis. However, CMS does not apply this LSC standard with respect to patient census numbers. Unless specifically noted, the requirements, conditions of participation, and conditions for coverage for all Medicare and Medicaid-participating health care providers and suppliers subject to these rules would apply on a facility basis, regardless of the size of the facility or the facility's patient census. These basic requirements are established to assure a core level of safety and quality for all patients, regardless of where they receive health care services. We believe that patients in small facilities should be assured the same level of fire safety as those in larger facilities. Therefore, the LSC exception for health care occupancy facilities with fewer than four occupants/patients would be inapplicable to the Medicare and Medicaid facilities affected by this proposed rule. All health care occupancies that provide care to one or more patients would be required to comply with the relevant requirements of the 2012 edition of the LSC.

Sections 18.2.3.4 (2) and 19.2.3.4(2)—Corridor Projections

This provision requires noncontinuous projections to be no more than 6 inches from the corridor wall. In addition to following the requirements of the LSC, health care facilities are also required to follow the requirements of the Americans with Disabilities Act (ADA). Section 307 of the ''ADA Accessibility Guidelines for Buildings and Facilities'' (*http://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm#c4*) requires that projections be no more than 4 inches from the corridor wall. Therefore, while the LSC allows facilities to have 6 inch projections, so long as the ADA standard is 4 inches then facilities should only have 4 inch projections to comply with the more stringent requirement set forth by the ADA.

Sections 18.2.5.7 and 19.2.5.7—Suites

This new provision has enlarged the size of permissible sleeping suites for patients to potentially allow 'more comfort and space for patients' if the facilities choose to use the larger size patient rooms. The provision requires that new construction sleeping suites cannot exceed 7500 square feet. Previously sleeping suites could not exceed 5000 square feet. Sleeping suites greater than 7500 square feet, and not exceeding 10,000 square feet, may be permitted where there is direct visual supervision and a complete smoke detection system. This change allows health care facilities to have more patients in a single area, reducing the number of staff that are necessary to visually monitor patients and allowing facilities to accommodate additional pieces of medical equipment or visitor space. This could improve facility staffing flexibility and reduce costs by allowing this increase in size thereby reducing the number of suites to treat the same number of patients.

Sections 18.7.5.7.2 and 19.7.5.7.2—Recycling

This new provision requires that containers used solely for recycling clean waste be limited to a maximum capacity of 96 gallons. If the recycling containers are located in a protected hazardous area, container size will not be limited. In the 2000 edition of the LSC, the container size was limited to 32 gallons. The larger containers allowed in the 2012 edition of the LSC require less frequent emptying, which could reduce housekeeping costs.

Sections 18.3.6.3.9.1 and 19.3.6.3.5—Roller Latches

A roller latch is a type of door latching mechanism to keep a door closed. The 2012 edition of the LSC requires corridor doors to be provided with a means for keeping the door closed that is acceptable to the authority having jurisdiction. The LSC permits roller latches capable of keeping the door fully closed if a force of 5 pounds is applied at the latch edge or roller latches in fully sprinklered buildings. However, we would not adopt these standards from the 2012 LSC. Through fire investigations, roller latches have proven to be an unreliable door latching

mechanism requiring extensive maintenance to operate properly. Many roller latches in fire situations failed to provide adequate protection to residents in their rooms during an emergency. Therefore, roller latches would be prohibited in existing and new Health Care Occupancies, and corridor doors would be required to have positive latching devices.

Sections 18.4.2 and 19.4.2—Sprinklers in High-Rise Buildings

This is a new provision for existing health care occupancies. This provision requires buildings over 75′ (generally greater than 7 or 8 stories) in height to have automatic sprinkler systems installed throughout the building. The 2012 LSC allows 12-years from when the authority having jurisdiction (which in this case is CMS) officially adopts the 2012 edition of the LSC for existing facilities to comply with the sprinkler system installation requirement. Therefore, those facilities that are not already required to do so would have 12 years following publication of the final rule adopting the 2012 LSC to install sprinklers. We propose to adopt this new provision because high-rise buildings require more time to evacuate, and sprinklers would very likely allow additional time to safely evacuate a facility.

We believe that this provision would mainly affect hospitals. However, we are specifically soliciting public comment to determine if other provider types are, or may be, located in a high-rise building. We would also like to solicit public comments regarding the phase-in period of 12 years, including if 12-years is enough time for the installation of sprinklers in high-rise buildings.

Sections 18.2.2.2.5.2 and 19.2.2.2.5.2—Door Locking

This new provision requires that, where the special needs of patients require specialized protective measures for their safety, door-locking arrangements are permitted. This provision allows interior doors to be locked to reduce the risk of infant abductions and individuals who may wander, subject to the following requirements: (1) All staff must have keys; (2) smoke detection systems must be in place; and (3) the facility must be fully sprinklered; (4) the locks are electrical locks that will release upon loss of power to the device and (5) the locks release by independent activation of the smoke detection system and the water flow in the automatic sprinkler system. This provision would improve the security of health care facilities with specialized needs and improve patient safety.

Sections 18.3.2.6 and 19.3.2.6—Alcohol Based Hand Rubs (ABHRs)

This provision now explicitly allows aerosol dispensers, in addition to gel hand rub dispensers. The aerosol dispensers are subject to limitations on size, quantity, and location, just as gel dispensers are limited. Automatic dispensers are also now permitted in health care facilities, provided that the following requirements are met: (1) They do not release contents unless they are activated; (2) the activation occurs only when an object is within 4 inches of the sensing device; (3) any object placed in the activation zone and left in place must not cause more than one activation; (4) the dispenser must not dispense more than the amount required for hand hygiene consistent with the label instructions; (5) the dispenser is designed, constructed and operated in a way to minimize accidental or malicious dispensing; and (6) all dispensers are tested in accordance with the manufacturer's care and use instructions each time a new refill is installed. The provision further defines prior language regarding ''above or adjacent to an ignition source'' as being ''within 1 inch'' of the ignition source. These new provisions would allow for more hand hygiene dispenser options for all facilities.

Sections 18.3.5 and 19.3.5—Extinguishment Requirements

This provision is related to sprinkler system requirements and cross references section 9.7 of the LSC, ''Automatic sprinklers and other extinguishing equipment.'' Section 9.7 further cross references the 2011 edition of NFPA 25, Standard for the Inspection, Testing and Maintenance of Water-based Fire Protection Systems. Section 9.7.5 of the LSC states ''All automatic sprinkler and standpipe systems required by this Code shall be inspected, tested and maintained in accordance with NFPA 25. . . .'' Section 15.5.2, of the 2011 edition of NFPA 25, which is cross-referenced by the 2012 edition of the LSC, requires the evacuation of a building or the instituting of an approved fire watch when a sprinkler system is out of service for more than 10 hours in a 24-hour period until the system has been returned to service. However the 1998 edition of NFPA 25, which is cross-referenced by the 2000 edition of the LSC, has the same requirement when a sprinkler system is out of service for only 4 hours. Because of the increased reliance upon a facility sprinkler protection system in the 2012 edition of the LSC, and to ensure a facility is adequately monitored when a sprinkler system is out of service, we propose to retain the requirement for evacuation or a fire watch when a sprinkler system is out of service for more than 4 hours. This provision is set out in the applicable sections of this proposed rule.

Section 18.3.2.3 and 19.3.2.3—Anesthetizing Locations

This provision requires that anesthetizing locations be protected in accordance with the 2012 edition of NFPA 99, Health Care Facilities Code. The 2012 edition of NFPA 99 eliminated an important requirement that was in the 1999 edition of NFPA 99. The 1999 edition of NFPA 99, which is cross-referenced in the 2000 LSC, requires a smoke control ventilation system in anesthetizing locations (for example, Operating Rooms). The 1999 edition of NFPA 99 requires that supply and exhaust systems for windowless anesthetizing locations must be arranged to automatically vent smoke and products of combustion to prevent the circulation of smoke originating from within and outside the operating room(s). The smoke control is intended to protect the anesthetizing location until surgical procedures can be completed and patients can be safely evacuated from the operating rooms. As fires in operating rooms continue to occur, we propose to retain the requirement for smoke control in anesthetizing locations, notwithstanding the lower standard in the 2012 LSC. *http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm282810.htm*.

Sections 18.2.3.4 and 19.2.3.4—Corridors

This new provision allows for storage of medical equipment in the corridors. Any equipment that is in use, including medical emergency equipment, and patient lift and transportation equipment is permitted to be stored in the corridors for more timely patient care. This provision also allows facilities to place fixed furniture in the corridors. This creates resting points in the corridors for patients and families in facilities and makes for a more home-like setting.

Sections 18.3.2.5.3 and 19.3.2.5.3—Cooking Facilities

This provision is a new section, which further supports a more home-like setting in health care facilities. Cooking facilities are allowed in a smoke compartment where food is prepared for 30 individuals or fewer (by

bed count). The cooking facility is permitted to be open to the corridor, provided that the following conditions are met:

- The area being served is limited to 30 beds or less;
- The area is separated from other portions of the facility by a smoke barrier;
- The range hood and stovetop meet certain standards—

++ A switch must be located in the area that is used to deactivate the cook top or range whenever the kitchen is not under staff supervision

++ The switch also has a timer, not exceeding 120-minute capacity that automatically shuts off after time runs out

- Two smoke detectors must be located no closer than 20 feet and not further than 25 feet from the cooktop or range.

Sections 18.7.5.1 and 19.7.5.1—Furnishings & Decorations

This provision has been revised to allow combustible decor in any health care occupancy as long as they are flame-retardant or treated with approved fire-retardant coating that is listed and labeled, and meet fire test standards. The décor (such as photographs, paintings and other art) may be attached directly to the walls, ceilings, and non fire-rated doors as long as it does not interfere with the operation of the doors. Additionally, decor may not exceed—(1) 20 percent of the wall, ceiling and doors, in any room that is not protected by an approved automatic sprinkler system; (2) 30 percent of the wall, ceiling and doors, in any room that is not protected by an approved, supervised automatic sprinkler system; and (3) 50 percent of the wall, ceiling and doors, in any room with a capacity of 4 people (the actual number of occupants in the room may be less than its capacity) that is not protected by an approved, supervised automatic sprinkler system. These changes would allow individuals to bring in their own furnishings and decor, which helps to provide a more home-like setting.

Sections 18.5.2.3 and 19.5.2.3—Fireplaces

This provision has been revised to allow direct-vent gas fireplaces in smoke compartments without the 1 hour fire wall rating. Fireplaces must not be located inside of any patient sleeping room. Solid fuel-burning fireplaces are permitted and can be used only in areas other than patient sleeping rooms, and must be separated from sleeping rooms by construction of no less than a 1 hour fire resistance wall rating. This provision allows for more options for the location of fireplaces in health care facilities, which makes the facilities feel more home-like.

Outside Window or Door Requirements

The 2000 edition of the LSC required that every health care occupancy patient sleeping room shall have an outside window or outside door, with new health care occupancies having an allowable sill height not to exceed 36 inches above the floor with certain exceptions. This requirement no longer exists in the 2012 edition of the LSC; however, as outside windows and doors may be used for smoke control, building entry, patient and resident evacuation, and other emergency forces operations during an emergency situation, we propose to retain this requirement. We propose the following exceptions to the outside window or door requirement, as included in the 2000 edition of the LSC:

- Newborn nurseries and rooms intended for occupancy for less than 24 hours have no sill height requirements.
- Windows in atrium walls shall be considered outside windows for the purposes of this requirement.
- The window sill height in special nursing care areas shall not exceed 60 inches above the floor.

Ambulatory Health Care Occupancies

The following are new provisions in the 2012 edition of the LSC from Chapter 20, ''New Ambulatory Health Care Occupancies'' and Chapter 21, ''Existing Ambulatory Health Care Occupancies.'' We are providing the LSC citation, a description of the requirement, and an explanation of its benefits for health care facilities, patients, staff, and visitors.

Both the 2000 and 2012 edition of the LSC define an ''Ambulatory Health Care Occupancy'' as a facility capable of treating 4 or more patients simultaneously on an outpatient basis. CMS regulations at 42 CFR § 416.44 require that all ASCs meet the provisions applicable to Ambulatory Health Care Occupancy, regardless of the number of patients served. We believe that hospital outpatient surgical departments are comparable to ASCs and thus should also be required to meet the provisions applicable to Ambulatory Health Care Occupancy Chapters, regardless of the number of patients served.

Sections 20.1.6.4 and 21.1.6.5—Interior Nonbearing Walls

This new provision allows all interior nonbearing walls that are required to have a minimum 2 hour fire resistance rating to be constructed of fire-retardant treated wood enclosed within noncombustible or limited combustible materials, provided that these walls are not used as shaft enclosures. The use of fire-retardant treated wood allows for more flexibility during construction and could reduce the cost of construction.

Sections 20.3.2.1 and 21.3.2.1—Doors

This new provision requires all doors to hazardous areas to be self-closing or close automatically. This provision was added to provide an extra level of protection for all patients. Adding this provision aligns the requirements for both ASCs and Health care occupancies to assure the same basic level of protection for all patients.

Sections 20.3.2.6 and 21.3.2.6—ABHRs

This provision now explicitly allows aerosol dispensers, in addition to gel hand rub dispensers. The aerosol dispensers are subject to limitations on size, quantity, and location, just as gel dispensers are. Automatic dispensers are also now permitted in health care facilities, provided, among other things, that—(1) they do not release contents unless they are activated; (2) the activation occurs only when an object is within 4 inches of the sensing device; (3) any object placed in the activation zone and left in place must not cause more than one activation; (4) the dispenser must not dispense more than the amount required for hand hygiene consistent with the label instructions; (5) the dispenser is designed, constructed and operated in a way to minimize accidental or malicious dispensing; (6) all dispensers are tested in accordance with the manufacturer's care and use instructions each time a new refill is installed. The provision further defines prior language regarding ''above or adjacent to an ignition source'' as being ''within 1 inch'' of the ignition source. These new provisions allow for more hand hygiene dispenser options for all facilities.

Sections 20.3.5 and 21.3.5—Extinguishment Requirements

This provision is related to sprinkler system requirements and cross references section 9.7 of the LSC, ''Automatic sprinklers and other extinguishing equipment.'' Section 9.7 also cross references the 2011 edition of NFPA 25, ''Standard for the Inspection, Testing and Maintenance of Water-based Fire Protection Systems.'' Section 9.7.5 of the LSC states, ''All automatic sprinkler and standpipe systems required by this Code shall be inspected, tested and maintained in accordance with NFPA 25. . . .''

Section 15.5.2, of the 2011 edition of NFPA 25, which is cross-referenced by the 2012 edition of the LSC, requires the evacuation of a building or the instituting of an approved fire watch when a sprinkler system is out of service for more than 10 hours in a 24-hour period until the system has been returned to service. The 1998 edition of NFPA 25, which is cross-referenced by the 2000 edition of the LSC, has the same requirement when a sprinkler system is out of service for only 4 hours. With the increased reliance upon a facility sprinkler protection system in the 2012 edition of the LSC, and to ensure a facility is adequately monitored when a sprinkler system is out of service, we propose to retain the requirement for evacuation or a fire watch when a sprinkler system is out of service for more than 4 hours.

Section 20.3.2.3 and 21.3.2.3—Anesthetizing Locations

This provision requires that anesthetizing locations be protected in accordance with the 2012 edition of NFPA 99, Health Care Facilities Code. The 2012 edition of NFPA 99 eliminated an important requirement that was in the 1999 edition of NFPA 99. The 1999 edition of NFPA 99, which is cross-referenced by to the 2000 LSC, requires a smoke control ventilation system in anesthetizing locations (for example, Operating Rooms). The 1999 edition of NFPA 99 requires that supply and exhaust systems for windowless anesthetizing locations must be arranged to automatically vent smoke and products of combustion to prevent the circulation of smoke originating from within and outside the operating room. The smoke control is intended to protect the anesthetizing location until surgical procedures can be completed and patients can be safely evacuated from the operating rooms. As fires in operating rooms continue to occur, we propose to retain the requirement for smoke control in anesthetizing locations.

Residential Board and Care Occupancies

The LSC requirements for residential care facilities are differentiated based on the evacuation capability of the facility in question. The term ''evacuation capability'' refers to the ability of occupants, residents, and staff as a group either to evacuate a building, or to relocate from one point of occupancy to a point of safety. An ''impractical evacuation capability'' means that a group is unable to reliably move to a point of safety in a timely manner. A ''prompt evacuation capability'' means that a group is able to move reliably to a point of safety in a timely manner that is equivalent to the capacity of a household in the general population. A ''slow evacuation capability'' means that a group is able to move reliably to a point of safety in a timely manner, but not as rapidly as members of a household in the general population. The LSC requirements for a facility that has a prompt evacuation capability may be different from those for a facility that has an impractical evacuation capability. Those differences are reflected in the following provisions.

Both the 2000 and 2012 editions of the LSC classify ''board and care'' as a facility ''used for lodging or boarding of 4 or more patients not related by blood or marriage to the owners or operators, for the purpose of providing personal care services.'' However, for CMS regulatory purposes, unless specifically noted, the conditions of participation and conditions for coverage for all affected health care providers and suppliers apply to all patients in a facility, regardless of the number of patients served. These basic requirements are established to assure a core level of safety and quality for all patients, regardless of where they receive health care services. We continue to believe that patients in very small facilities should be assured the same level of fire safety as those residing in very large facilities. Therefore, the LSC ''4 or more'' criteria would not apply to any Medicare and applicable Medicaid certified facilities. All residential board and care occupancies that provide care to one or more patients would be required to comply with the relevant requirements of the 2012 edition of the LSC.

The following are provisions that appear in the 2012 edition of the LSC, but that did not exist in the 2000 edition of the LSC, for Chapter 32, ''New Residential Board and Care Occupancies'' and Chapter 33, ''Existing Residential Board and Care Occupancies.'' We are providing the LSC citation, a description of the requirement, and an explanation of its benefits for health care facilities, patients, staff, and visitors.

Section 32.2.3.5.3.2—Sprinklers

This revised provision has been expanded to require that sprinkler systems be installed in all habitable areas, closets, roofed porches, balconies and decks of new facilities. Although this section of the LSC does not apply to existing facilities, we strongly encourage all existing facilities be sprinklered in all habitable areas in the same manner that newly constructed facilities are required to be sprinklered.

Sections 32.2.3.5.7 and 33.2.3.5.7—Attics

This new provision requires attics of new and existing facilities to be sprinklered. The attics of new board and care facilities are required to be protected in accordance with sections 32.2.3.5.7.1 or 32.2.3.5.7.2 of the LSC. The attics of existing board and care facilities are required to be protected in accordance with sections 33.2.3.5.7.1 or 33.2.3.5.7.2 of the LSC. For both new and existing board and care facilities, if the attic is used for living purposes, storage, or housing of fuel fired equipment, it must be protected with an automatic approved sprinkler system. If the attic is used for other purposes or is not used, then it must meet one of the following requirements: (1) Have a heat detection system that activates the building fire alarm system; (2) have automatic sprinklers; (3) be of noncombustible or limited-combustible construction; or (4) be constructed of fire-retardant-treated-wood. We are requesting public comment on the length of time needed to install sprinklers in attics. This provision was added after fire investigations demonstrated that fires in attics pose a high hazard in this type of occupancy. For example, one well-known case would be the fire in a board and care facility in Wells, New York on March 21, 2009. The fire started on the screened porch and spread to the unsprinklered attic where it quickly engulfed the facility. Despite the prompt evacuation by staff, 4 of the 9 clients perished in the fire. (*http://www.prevention1st.org/documents/Wells_Fire_GrandJuryReport.pdf.*)

Sections 32.2.2 and 33.2.2—Means of Escape

This new provision requires designated means of escape to be continuously maintained free of all obstructions or impediments to full instant use in the case of a fire or emergency. This provision was added because there were no provisions within the occupancy chapter to prohibit an obstructed means of escape, and to emphasize that all means of escape are required to be free of obstructions to allow use without delay.

Section 32.3.3.4.7—Smoke Alarms

This new provision would only affect newly constructed facilities. Approved smoke alarms are required to be installed in accordance with 9.6.2.10 of the LSC inside every sleeping room, outside every sleeping area, in the immediate vicinity of the bedrooms, and on all levels within a resident unit. This

requirement is located in Chapter 32, which only applies to newly constructed facilities. We are soliciting public comments about whether or not CMS should also require existing facilities to have smoke alarms that meet the requirements of this section.

Sections 32.7.6 and 33.7.6—Staff

This new provision for both newly constructed and existing facilities requires staff to be on duty and in the facility at all times when residents requiring evacuation assistance are present. This provision was added because staff assistance during evacuation is a necessity in this occupancy. This would increase safety for patients that are unable to independently exit the building in an emergency situation.

Sections 32.3.2.2.2 and 33.3.2.2.2—Access-Controlled Egress Doors

New and existing facilities must be permitted to have access-controlled egress doors that are in accordance with 7.2.1.6.2 of the LSC. When using the term ''egress,'' we are describing, for example, hallways or corridors, interior and exterior stairways, entrance ways or lobbies, and escalators. Section 7.2.1.6.2 of the LSC permits means of egress to be equipped with electrical lock hardware to prevent egress. This provision was added to improve safety while allowing for more flexibility.

Section 33.3.3.2.3—Hazardous Areas

This new provision is for existing facilities with impractical evacuation capabilities. All hazardous areas must be separated from other parts of the building by smoke partitions, and also in accordance with section 8.4 of the LSC. Section 8.4 of the LSC addresses the continuity of smoke partitions and requires that they be placed appropriately. We are requesting public comment on the length of time needed to install smoke partitions in hazardous areas. This new provision provides a higher level of safety for facilities with impractical evacuation capabilities, and allows more time for individuals using facilities with slower evacuation capabilities to exit the building.

Section 33.3.3.4.6.2—Emergency Forces Notification

This new provision is only for existing facilities. Where a new fire alarm system is installed, or the existing fire alarm system is replaced, notification of emergency forces must be handled in accordance with section 9.6.4 of the LSC, which states that, where required by another section of this code, notification of emergency forces should alert the municipal fire department and fire brigade (if provided) of fire or other emergency. This new provision would increase safety for residents and staff by assuring that the appropriate emergency force is quickly notified of an emergency situation, enabling the emergency force to arrive in the fastest time possible to aid residents and staff.

Waiver Authority

We are proposing to retain our existing authority to waive provisions of the LSC under certain circumstances, further reducing the exposure to additional cost and burden for facilities with unique situations. A waiver may be granted for a specific LSC requirement if we determine that—(1) The waiver would not adversely affect patient/staff health and safety; and (2) it would impose an unreasonable hardship on the facility to meet a specific LSC requirement. We do not consider it always necessary for a facility to be cited for a deficiency before it can apply for or receive a waiver, and we have periodically issued communications regarding specific provisions of the LSC that we evaluated and for which we have determined that a waiver would generally apply, subject to documentation maintained by the facility and verification of the applicability of the waiver when a survey of the facility is conducted. We plan to continue this approach.

In cases where a provider or supplier has been cited for a LSC deficiency, the provider or supplier may request a waiver from its State Survey Agency or Accrediting Organization (AO) with a CMS-approved Medicare and applicable Medicaid accreditation program. The State Survey Agency or AO reviews the request and makes a recommendation to the appropriate CMS Regional Office. The CMS Regional Office would review the waiver request and the recommendation and make a final decision. A waiver cannot be granted if patient health and safety is compromised.

The LSC recognizes alternative systems, methods, or devices approved as equivalent by the authority having jurisdiction as being in compliance with the LSC. CMS, as the authority having jurisdiction for certification, will determine equivalency through the waiver approval process.

State Fire Codes

In addition to the proposed waiver option, a state may request that its state fire safety requirements, imposed by state law, be used in lieu of the 2012 edition of the LSC, which we are proposing to adopt in this rule. The state must submit the request to the appropriate CMS Regional Office, and the Regional Office would forward the request to CMS central office for final determination. We would retain our authority to apply the Fire Safety Evaluation System (FSES) as an alternative approach to meeting the requirements of the LSC.

C. 2012 Edition of the Health Care Facilities Code

The 2012 edition of the NFPA 99, ''Health Care Facilities Code'', addresses requirements for both health care occupancies and ambulatory care occupancies, and serves as a resource for those who are responsible for protecting health care facilities from fire and associated hazards. The purpose of this Code is to provide minimum requirements for the installation, inspection, testing, maintenance, performance, and safe practices for health care facility materials, equipment and appliances. This Code is a compilation of documents that have been developed over a 40-year period by NFPA, and is intended to be used by those persons involved in the design, construction, inspection, and operation of health care facilities, and in the design, manufacture, and testing of appliances and equipment used in patient care areas of health care facilities. It provides information on subjects such as medical gas and vacuum systems, electrical systems, electrical equipment, and gas equipment.

The NFPA 99, which is a cross-referenced document in the LSC, has undergone some significant changes. The NFPA 99 has been upgraded from a standard to a code. A code, as used by the NFPA describes what to do, whereas a standard describes how to comply with the code. In addition to the upgrade, the format of the code has changed from specific provisions that are directed by different chapters in the NFPA 99 to provisions that apply to all health care facilities. The applicability of any specific provision is determined in accordance with the results of a risk based methodology. Previous editions utilized occupancy chapters to determine which systems were required in a health care facility. Requirements were applied based upon the facility type (that is, Hospital, Nursing Home, Limited Care Facility, Other Health Care Facilities). In the 2012 edition, requirements are based upon the possible risks to patients and residents, regardless of the type of facility.

Although NFPA 99 is a reference document of the 2012 edition of the

LSC, the health care occupancy chapters of the LSC do not reference NFPA 99 requirements for all areas within a health care facility. In order to ensure the minimum level of protection afforded by NFPA 99 is applicable to all patient and resident care areas within a health care facility, CMS is proposing the adoption of the 2012 edition of NFPA 99, with the exception of chapters 7, 8, 12, and 13. In the following section, we describe the key provisions within the NFPA 99.

The first three chapters of the NFPA 99 address the administration of the NFPA 99, the referenced publications and also definitions.

Chapter 4—Fundamentals

Chapter 4 is new to the 2012 edition and provides guidance on how to apply NFPA 99 requirements to health care facilities based upon ''categories'' determined when using a risk-based methodology. A risk-based approach allows for the application of requirements based upon the types of treatment and services being provided to patients or residents rather than the type of facility in which they are being performed. This approach will ensure that patients and residents in all types of health care facilities are provided with a minimum level of protection. In addition, the risk-based approach will allow a facility to determine the appropriate level of protection required in individual areas throughout a facility based upon each area's risk to patients or residents, and would no longer require the facility to implement requirements in discriminately throughout an entire facility. Based upon a risk assessment conducted by qualified facility personnel, implementation of less stringent requirements may be appropriate for areas presenting a lower risk to patients or residents, while implementation of more stringent requirements is reserved for areas presenting a higher risk. This will allow health care facilities to apply the most appropriate level of protection in an efficient and economical manner.

There are four categories utilized in the risk assessment methodology, depending on the types of treatment and services being provided to patients or residents. Section 4.1.1 of NFPA 99 describes Category 1 as, ''Facility systems in which failure of such equipment or system is likely to cause major injury or death of patients or caregivers . . . .'' Section A.4.1.1 provides examples of what a major injury could include, such as amputation or a burn to the eye. Section 4.1.2 describes Category 2 as, ''Facility systems in which failure of such equipment is likely to cause minor injury to patients or caregivers . . . .'' Section A.4.1.2 describes a minor injury as one that is not serious or involving risk of life. Section 4.1.3 describes Category 3 as, ''Facility systems in which failure of such equipment is not likely to cause injury to patients or caregivers, but can cause patient discomfort . . . .'' Section 4.1.4 describes Category 4 as, ''Facility systems in which failure of such equipment would have no impact on patient care . . . .''

Section 4.2 would require that each facility that is a health care or ambulatory occupancy define its risk assessment methodology, implement the methodology and document the results. We do not propose to require the use of any particular risk assessment procedure. Section A.4.2 provides examples of appropriate risk assessment procedures, such as ISO/IEC31010, *Risk management—Risk Assessment,* or NFPA 551, *Guide for the Evaluation of Fire Risk Assessments.*

Chapter 5—Gas and Vacuum Systems

The hazards addressed in Chapter 5 include the ability of oxygen and nitrous oxide to exacerbate fires, safety concerns from the storage and use of pressurized gas, and the reliance upon medical gas and vacuum systems for patient care. Adopting Chapter 5 would ensure a minimal level of the performance, maintenance, installation, and testing of piped medical gas and vacuum systems in all patient and resident care areas (for example, operating rooms, intensive care units, critical care units, procedure rooms, and sleeping rooms). Chapter 5 would not mandate the installation of any systems; rather, if they are installed or are required to be installed, the systems would be required to comply with NFPA 99.

Chapter 5 covers the performance, maintenance, installation, and testing of the following:

- Nonflammable medical gas systems with operating pressure below a gauge pressure of 300 psi;
- Vacuum systems in health care facilities;
- Waste anesthetic gas disposal systems (WAGD); and
- Manufactured assemblies that are intended for connection to the medical gas, vacuum, or WAGD systems.

The NFPA 99 defines key terms that are used frequently throughout this chapter as follows:

Section 3.3.108—Medical Gas Systems

Medical gas systems are an assembly of equipment and piping for the distribution of nonflammable medical gases such as oxygen, nitrous oxide, compressed air, carbon dioxide, and helium.

Section 3.3.110—Medical-surgical Vacuum

Medical-surgical vacuum systems are used to provide a source of drainage, aspiration, and suction in order to remove body fluids from patients.

Section 3.3.183—Waste Anesthetic Gas Disposal Systems (WAGD)

A WAGD system is the process of capturing and carrying gases vented from the patient breathing circuit during the normal operation of gas anesthesia or analgesia equipment.

Section 3.3.111—Medical-Surgical Vacuum System

A medical-surgical vacuum system is an assembly of central vacuum-producing equipment and a network of piping for patient suction in medical, surgical, and WAGD applications.

Section 3.3.102—Manufactured Assembly

A manufactured assembly is a factory-assembled product that contains medical gas or vacuum outlets, piping, or other devices related to medical gas.

Chapter 5 is organized by category as described in Chapter 4. The NFPA Technical Committee on Medical Gas did not find there was a need for Category 4 requirements, as Category 4 facilities would not ordinarily have piped medical gas or vacuums. Chapter 5 includes several sections, described below, which are significant to managing the hazards associated with gas and vacuum systems.

Section 5.1.3—Category 1 Sources

This section includes information on the management of the sources for the medical gas, vacuum, WAGD, and instrument supply systems. It requires facilities to identify and label storage containers and other system components. It also contains requirements related to areas used to store gas and equipment, and how to handle gas cylinders and containers. Facilities would be required to design and construct systems and storage locations in accordance with the requirements for this section. This section also regulates the requirements for construction materials and placement of system components, and requirements for emergency power and quality assurance.

Section 5.1.9—Category 1 Warning Systems

This section includes information on the requirements for warning systems that monitor piped gas and vacuum systems. Warning systems monitor and alert the facility if a condition exists that could have a negative effect on the health and safety of patients, staff, and visitors. This section regulates the functions, capabilities, placement, labeling, emergency power, wiring, computer systems, initiating devices, and monitoring requirements for master, area, and local alarm systems.

Section 5.1.10—Category 1 Distribution

This section includes information on the requirements for the piping system for medical gas, vacuum, and WAGD systems. It regulates piping system installation, location, assembly, cleaning, and materials of construction, inspection, and installer qualifications.

Section 5.1.14—Category 1 Operation and Management

This section includes information on the operation and maintenance of medical gas, vacuum, WAGD and support gas systems. Issues addressed in this section include system limitations, maintenance programs, inspection and testing, management of flexible connections, piping and valve labeling, and recordkeeping. This section allows facilities flexibility in meeting the maintenance program requirements by focusing on the basic goals, timing, and qualifications for performing the work. NFPA 99 would not require a specific schedule, allowing a facility to determine the frequency of maintenance based on the original quality, age and longevity, and known characteristics of the equipment.

Section 5.2 Category—2 Piped Gas and Vacuum Systems and 5.3 Category 3

Piped Gas and Vacuum Systems

Category 2 requirements apply to facilities treating patients who might require the gases occasionally, but ordinarily would not require them. When the use of gas is required for patient care, the need is short term. The provisions for Category 2 are virtually the same as for Category 1, except some equipment is permitted to be simplex rather than duplex. Category 3 applies to office-based care, where gases are used in such a manner that the life of the patient is never at issue in the event of failure of gas. Many requirements in the Category 3 section are similar to the requirements in Category 1 and Category 2.

Chapter 6—Electrical Systems

The hazards addressed in Chapter 6 are related to the electrical power distribution systems in health care facilities, and address issues such as electrical shock, power continuity, fire, electrocution, and explosions that might be caused by faults in the electrical system. Although these threats are present in any facility, the vulnerabilities of patients or residents in health care facilities, coupled with the complexity of the systems involved, create a need for distinct considerations.

Chapter 6 covers the performance, maintenance, and testing of both the normal and essential electrical systems (EES) in health care facilities. The normal electrical system is comprised of a normal power supply, typically provided by a public utility, connected to the facility electrical distribution system and ancillary equipment. The normal electrical system supplies power to the health care facility under normal operating conditions. An EES is comprised of an alternate source of power, typically a generator, connected to the facility's separate essential electric distribution systems and ancillary equipment. An EES is designed to ensure continuity of electrical power to designated areas and functions of a health care facility during a disruption of the normal power sources, and also to minimize disruptions with the internal wiring system (3.3.48).

Certain provisions in Chapter 6 related to the normal power system are defined by category as described in Chapter 4; however, all EES provisions are organized by ''Type.'' Category 1 systems are the most reliable and complex, because patients being served by these systems are the most dependent on this system to function properly and will be at the greatest risk if the system fails. Category 2 systems are a step down from Category 1 systems, and Category 3 systems are another step down. Critical care rooms (Category 1) would be required to be served by a Type 1 EES, general care rooms would be required to be served by a Type 1 or Type 2 EES, and basic care rooms and non-patient care rooms are not required to be served by any EES.

Chapter 6 includes several sections, which are significant to managing the hazards associated with the normal electrical system. Subject areas include:

Section 6.3.1—Sources

This section requires each line-powered electrical appliance in a health care facility to be supported by sources and distribution systems that provide power adequate for each service.

Section 6.3.2—Distribution

This section includes information on the electrical distribution systems within a health care facility. Some of the issues addressed include:

- Electrical system installation;
- Specific requirements for patient care rooms (circuits, overcurrent protection, receptacles, wet locations);
- Ground-fault protection; and
- Isolated power systems.

Section 6.3.3—Performance Criteria and Testing

This section includes information on electrical system performance criteria. Electrical systems that support patient rooms would be required to be tested in order to ensure that they are safe and reliable. Some of the issues addressed include:

- Grounding system testing;
- Voltage measurements;
- Impedance measurements;
- Testing equipment;
- Receptacle testing;
- Isolated power systems testing; and
- Ground-fault protection testing.

Section 6.3.4—Administration of Electric System

This section includes information on the frequency of electrical system component testing and record keeping requirements. Where hospital-grade receptacles are required at patient bed locations and in locations where deep sedation or general anesthesia is administered, testing must be performed after initial installation, replacement, or servicing of the device. Receptacles not listed as hospital-grade must be tested in intervals not exceeding 12 months. The minimum acceptable documentation would identify what was tested, when it was tested, and whether it performed successfully.

Chapter 6 also includes several sections related to managing the hazards associated with the EES, including but not limited to:

Section 6.4.1—Sources (Type 1 EES)

This section includes specific information for on-site generators used as an alternate source of power. Generator requirements focus on design considerations, generator types, allowable uses, generator placement and protection, capacity, rating, heating, cooling, ventilating, battery maintenance, fuel supply, and generator monitoring. In addition, this section addresses batteries used as alternate sources of power, as permitted.

Section 6.4.2—Distribution (Type 1 EES)

This section includes information on the EES distribution systems and ancillary equipment in a health care facility. It covers topics such as transfer switches; division of distribution system into three branches—life safety, critical, and equipment; and wiring requirements.

Section 6.4.3—Performance Criteria and Testing (Type 1 EES)

This section includes information on EES performance criteria to assure that the EES is safe and reliable. It includes a requirement that all functions of the life safety branch and critical branches must be automatically restored to operation within 10 seconds after interruption of the normal power source. It also includes specific transfer switch requirements related to placement, voltage drop, load transfer, and normal power restoration.

Section 6.4.4—Administration (Type 1 EES)

This section includes general information on the maintenance, inspection and testing of the EES alternate power source, including generator testing criteria, test conditions, and testing personnel qualifications. Specific maintenance, inspection and testing requirements are also required through reference to NFPA 110, Standard for Emergency and Standby Power Systems. In addition, this section addresses the maintenance and testing of EES circuitry and record keeping requirements.

Section 6.5—Essential Electrical System Requirements—Type 2

Section 6.5 addresses Type 2 EES requirements, which share many of the Type 1 EES requirements related to maintenance, inspection, and testing. The major difference between a Type 1 and Type 2 EES is that a Type 2 EES only requires two separate branches—a Life Safety branch and an Equipment branch. A Type 2 EES does not require a branch to supply a limited amount of lighting and power service that is considered essential for life safety and effective operation to critical care areas during the time the normal electrical service is interrupted.

Section 6.6—Essential Electrical System Requirements—Type 3

Section 6.6 addresses Type 3 EES requirements, which share many of the Type 1 EES requirements related to maintenance, inspection, and testing. The major difference between a Type 1 or Type 2 EES and a Type 3 EES system is that a Type 3 EES system comprises only one electrical branch to supply a limited amount of lighting and power service that is considered essential for life safety and orderly cessation of procedures during the time normal electrical service is interrupted. Type 3 EES systems are not permitted in areas where surgery is performed. In addition, the alternative power for a Type 3 system can be a generator, battery system, or self-contained battery integral with the equipment.

Chapter 9—Heating, Ventilation, and Air Conditioning (HVAC)

Chapter 9 is a newly added chapter to the 2012 edition of the NFPA 99 and requires HVAC systems serving spaces or providing health care functions to be in accordance with the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) Standard 170—Ventilation of Health Care Facilities (2008 edition) (*http://www.ashrae.org*). The purpose of a HVAC system is to create acceptable indoor air quality. Heating is the process of bringing heat to different spaces using a variety of sources. Ventilating is the process of removing or changing air in a space to create a different temperature or to reduce or remove moisture, odors, smoke, dust, gases and microbes within a space. Air conditioning is the removal of heat from a space.

Chapter 9 does not apply to existing HVAC systems, but would apply to the construction of new health care facilities, and the altered, renovated, or modernized portions of existing systems or individual components. Chapter 9 would ensure minimum levels of heating, ventilation and air conditioning performance in patient and resident care areas. Some of the issues discussed in Chapter 9 are:

- HVAC system energy conservation;
- Commissioning;
- Piping;
- Ductwork;
- Acoustics;
- Requirements for the ventilation of medical gas storage and trans-filling areas;
- Waste anesthetic gases;
- Plumes from medical procedures;
- Emergency power system rooms; and
- Ventilation during construction.

Chapter 9 includes several sections, which are of significant importance to managing the hazards associated with HVAC systems, including but not limited to:

Section 9.3.1—Heating, Cooling, Ventilating, and Process Systems

The purpose of this section is to define design requirements for ventilation systems in order to assure an environment that is comfortable and clean, and that minimizes odors in health care facilities. These requirements also apply to patient care areas and other related support areas within a health care facility. This section considers chemical, physical and biological contaminants that can affect the delivery of medical care to patients, the recovery of patients, and the safety of patients, health care workers, and visitors.

Section 9.3.3—Commissioning

This section requires HVAC system commissioning to follow ASHRAE Guideline 0, The Commissioning Process, and ASHRAE Guideline 1.1, HVAC & R Technical Requirements for the commissioning process, or other publically viewed documents acceptable to the authority having jurisdiction. Commissioning is a quality-oriented process for verifying new HVAC systems and assemblies meet performance objectives and criteria. For purposes of this rule, we would consider ASHRAE Guideline 0 and ASHRAE Guideline 1.1 as the only acceptable documents guiding the commissioning process.

Section 9.3.5—Ductwork

This section requires health care facilities to use ductwork systems that comply with NFPA 90, Standard for the Installation of Air-Conditioning and Ventilation Systems or other mechanical codes. NFPA 90 covers the construction, installation, operation, and maintenance of HVAC systems to protect life and property from fire, smoke, and gases resulting from a fire. NFPA 90A is also cross-referenced in the 2012 edition of the LSC.

Section 9.3.7—Medical Gas Storage or Transfilling

This section addresses the ventilation requirements for both medical gas storage and transfilling areas. Transfilling is the process of transferring a medical gas in gaseous or liquid state from one container or cylinder to another container or cylinder (3.3.176). Some of the requirements included in this section are for natural and mechanical ventilation.

Section 9.3.8—Waste Gas

This section requires the removal of gases vented from the patient breathing circuit during the normal operation of gas anesthesia or analgesia equipment by a WAGD system, as described in chapter 5, or by an active or passive scavenging ventilation system.

Section 9.3.10—Emergency Power System Room

This section requires operation of the emergency power supply to be in accordance with NFPA 110, Standard for Emergency and Standby Power Systems. NFPA 110 addresses ventilation requirements including, maintaining room temperature, adequate supply of air for generator combustion and cooling, air supply quality, and generator radiator and exhaust discharge. NFPA 110, in its entirety, is also cross-referenced in the 2012 edition of the LSC.

Chapter 10—Electrical Equipment

Chapter 10 covers the performance, maintenance, and testing of electrical equipment in health care facilities. Much of this chapter applies to requirements for portable electrical equipment in health care facilities, but there are also requirements for fixed-equipment and information on administrative issues. There has been an increased need for electrical equipment safety requirements due to the increase in the use of electrical circuits and multiple appliances that are located close to the patient's body, including situations where they enter the patient's body (such as internal defibrillators, and neurostimulators). Chapter 10 includes several sections, which may reduce the instances of patient injuries and death due to electrical appliances and equipment, including, but not limited to:

Section 10.2—Performance Criteria and Testing for Patient Care—Related Electrical Appliances and Equipment

This section includes information on the connection of equipment, grounding of equipment, power cords, and the proper use of electrical plug adapters and extension cords. This section also discusses the proper materials to use to ensure electrical safety.

Section 10.3—Testing Requirements—Fixed and Portable

This section discusses the proper testing procedure for patient care electrical equipment, both visually and physically, to ensure that leakage currents, which may cause electrical shocks, are minimized or eliminated.

Section 10.4—Nonpatient Electrical Appliances and Equipment

This section discusses the proper testing procedure of equipment that may not be patient care related, but may be in the vicinity of the patient and could pose an electrical hazard to the patient, if not properly inspected. Nonpatient electrical appliances may include: Entertainment devices, computers, displays and such.

Section 10.5—Administration

This section requires facilities to ensure that there are policies in place for the testing and maintenance of equipment, for the proper use of electrical equipment in the administration of oxygen therapy, and for the proper use of electrical equipment in an oxygen enriched environment. This section also includes requirements for the use, inspection, and maintenance of equipment found in laboratories. Section 10.5.6 requires that a facility would keep records related to the performance testing and repairs of patient care equipment. Section 10.5.8 would require that equipment be used and maintained by qualified and trained personnel.

Chapter 11—Gas Equipment

The hazards addressed in Chapter 11 relate to general fire, explosions, and mechanical issues associated with gas equipment, including compressed gas cylinders. Fire and explosions may be caused by incidents involving oxygen, frequently used in health care facilities, or nitrous oxide, frequently used as an inhalation anesthetic. Many materials commonly used in health care facilities are not flammable in room air, but become flammable or extremely flammable when the concentration of oxygen is raised in a room. Mechanical hazards are often associated with compressed gas cylinders, which are generally under high pressures and are very heavy in weight. The cylinders can cause injury, if not property secured or mishandled. If there is physical damage to regulators or valves, such damage may cause escaping gas to propel the cylinder. Use of Chapter 11 would ensure a minimal level of performance, maintenance, testing, storage, and management of gas equipment in all patient and resident care areas.

Chapter 11 includes several sections, which may reduce the instances of patient injuries and death due to gas equipment. The following are important provisions of this section:

Section 11.1—Applicability

This section includes information on the types of medical gases included in this chapter such as nonflammable medical gases, and vapors and aerosols.

Section 11.2—Cylinder and Container Source

This section includes information on the proper connection of regulators and gauges to various types of gas sources to prevent cross connections and leakage.

Section 11.3—Cylinder and Container Storage Requirements

This section includes information on the proper storage of cylinders and containers, including cryogenic liquid containers. It discusses the types of enclosures required for storage and signage that facility must display.

Section 11.4—Performance Criteria and Testing

This section includes information on the proper testing of portable patient care gas equipment that is found in health care facilities, proper handling of gas containers for respiratory therapy, and non-patient gas equipment safety procedures. The section also addresses special requirements regarding the proper handling of gas equipment in laboratories.

Section 11.5—Administration

This section includes requirements for the elimination of potential sources of ignition, as well as the servicing and maintenance of equipment. There are also special handling requirements in this section for gases in cylinders, liquefied gases in containers, and transfilling of cylinders, including the transfilling of liquid oxygen.

Section 11.6—Operation and Maintenance of Cylinders

This section includes requirements for the proper procedures for safe handling of cylinders and containers. This section also requires special precautions for handling oxygen cylinders and manifolds, and making cylinder and container connections.

Section 11.7—Liquid Oxygen Equipment

This section includes information on the safe storage and handling of liquid oxygen portable containers and base reservoir containers.

Chapter 14—Hyperbaric Facilities

Hyperbaric facilities house hyperbaric chambers and auxiliary equipment. Hyperbaric medicine is the medical use of oxygen at a level higher than atmospheric pressure. The hyperbaric chamber is necessary to adjust the ambient pressure required for hyperbaric oxygen therapy. Chapter 14 addresses the hazards associated with hyperbaric facilities in health care facilities, including electrical, explosive, implosive, as well as fire hazards. Chapter 14 sets forth minimum safeguards for the protection of patients and personnel administering hyperbaric therapy and procedures.

Chapter 14 contains requirements for hyperbaric chamber manufacturers,

hyperbaric facility designers, and personnel operating hyperbaric facilities. It also contains requirements related to construction of the hyperbaric chamber itself and the equipment used for supporting the hyperbaric chamber, as well as administration and maintenance. Many requirements in this chapter are applicable only to new construction and new facilities. However, there are some requirements, ones that are generally operational in nature, that are applicable to existing facilities. The 2000 edition of the LSC required that all occupancies containing hyperbaric facilities must comply with NFPA 99; therefore, Chapter 14 is not expected to impose a significant burden upon existing health care facilities.

Hyperbaric chambers are classified according to the number of human occupants in order to establish appropriate minimum safeguards in construction and operation. Class A chambers have multiple occupants, Class B chambers are single occupancy, and Class C chambers are for animals only (no human occupancy ever).

Chapter 14 includes several sections, which are important to managing the hazards associated with hyperbaric facilities, including, but not limited to:

Section 14.2—Construction and Equipment

This section includes information on the construction and management of hyperbaric facilities and hyperbaric chambers, including topics such as:

- Fabrication of the hyperbaric chamber;
- Illumination;
- Ventilation;
- Fire protection;
- Electrical wiring;
- Electrical equipment;
- Communication systems;
- Gas detection and monitoring; and
- Chamber equipment and fixtures.

Section 14.3—Administration and Maintenance

This section includes information on the administration and maintenance of hyperbaric facilities and hyperbaric chambers, including topics such as:

- Recognition of hazards associated with hyperbaric facilities;
- Establishing programs and assigning responsibilities to ensure safety;
- Restrictions on ignition sources;
- Limitations on flammables;
- Antistatic procedures and grounding;
- Limitations on combustibles;
- Restrictions and compatibility of equipment;
- Proper handling of gases;
- Installation, inspection, and maintenance of chamber equipment; and
- Electrical and electrostatic safeguards.

The hazards involved in the use of hyperbaric facilities can be mitigated successfully only when all of the areas of hazard are fully recognized by all personnel and when the physical protection provided is complete and is augmented by attention to detail by all personnel of administration and maintenance having any responsibility for the functioning of the hyperbaric equipment. This section addresses the administration and maintenance of the hyperbaric chamber with requirements such as the having a Safety Director, developing management policies and emergency procedures, and fire training of personnel involved with the use of the chamber. This section also includes policies describing what types of medical devices or equipment can be used in the chamber, along with the safe use of medical gases, electrical equipment, and fire protection equipment used within the chamber itself.

Chapter 15—Features of Fire Protection

Chapter 15 covers the performance, maintenance, and testing of fire protection equipment in health care facilities. Issues addressed in this chapter range from the use of flammable liquids in an operating room to special sprinkler protection. These fire protection requirements are independent of the risk-based approach, as they are applicable to all patient care areas in both new and existing facilities.

Chapter 15 has several sections taken directly from the NFPA 101, including requirements for the following:

- Construction and compartmentalization of health care facilities;
- Laboratories;
- Utilities;
- Heating, ventilation and air conditioning systems;
- Elevators;
- Escalators;
- Conveyors;
- Rubbish Chutes;
- Incinerators;
- Laundry Chutes;
- Fire detection, alarm and communication systems;
- Automatic sprinklers and other extinguishing equipment;
- Compact storage including mobile storage and maintenance; and
- Testing of water based fire protection systems.

These sections have requirements for inspection, testing and maintenance which would apply to all facilities, as well as specific requirements for existing systems and equipment that would also apply to all facilities.

Section 15.13 addresses fire loss prevention in operating rooms. This section includes requirements for a hazard assessment, fire prevention procedures, procedures for handling flammable germicides and antiseptics, emergency procedures, and orientation and training. This section sets out requirements that may reduce the risk of surgical fires, as described below:

Section 15.13.1—Hazard Assessment

This section includes information on the assessment of hazards that a facility could encounter during a surgical procedure, and the periodic review of surgical operations and procedures.

Section 15.13.2—Fire Prevention Procedures

This section requires that fire prevention procedures be established in facilities, but does not prescribe any particular procedures. The exact procedures to be used are left to the discretion of each facility based on its unique circumstances, features, and needs, and applicable State licensure laws and local ordinances

Section 15.13.3—Germicides and Antiseptics

This section includes information on the procedures for the safe handling of flammable materials in operating rooms. This section also outlines operational procedures to address the fire hazards of these flammable materials, including packaging and material handling, removing solution-soaked materials, preventing pooling of material, preoperative ''time-out'' period to allow for drying before patient draping, and establishing policies and procedures to outline safety precautions.

Section 15.13.3.9—Emergency Procedures

This section requires emergency procedures to be in place in case of fire, or chemical spills in the operating room, as well as the procedures for alarm activation, evacuation and equipment shutdown.

Section 15.13.3.10—Orientation and Training

This section includes requirements for the orientation and training of new operating room/surgical suite staff for issues such as:

- Safe practices related to the area and equipment;
- Continuing education;
- Incident reviews;

- Procedure updates; and
- Fire drills.

II. Proposed Requirements for Health Care Facilities

This section details the specific regulatory changes for each affected provider and supplier. Due to the similar content and structure of the regulations for the various providers and suppliers, most of the information presented repeats for each provider.

1. Religious Nonmedical Health Care Institutions: Condition of Participation: Life Safety From Fire (§ 403.744)

We propose to maintain most of the current provisions for Religious Nonmedical Health Care Institutions (RNHCI) published in the **Federal Register** on January 10, 2003 (68 FR 1374), except if it conflicts with the 2012 LSC and the requirements are not within the provisions detailed in Section I of this preamble regardless of the number of patients the facility serves.

Specifically, we propose to retain the requirements at § 403.744(a)(1)(ii) related to the prohibition of roller latches in health care facilities. We propose to update the LSC chapter reference from ''19.3.6.3.2 exception number 2'' to ''19.3.6.3.5 numbers 1 and 2 and 19.3.6.3.6 number 2''.

We propose to modify the requirements specific to ABHRs since most of the requirements in our regulation are now included in the 2012 edition of the LSC. Therefore, we propose to remove the requirements at § 403.744(a)(4)(i), (ii), (iv) and (v). We propose to retain the requirements at § 403.744(a)(4)(iii) related to protection against inappropriate access, and would redesignate it at § 403.744(a)(4).

We propose to add a new requirement at § 403.744(a)(5) that would require a facility with a sprinkler system that is out of service for more than 4 hours in a 24-hour period to evacuate the building or portion of the building affected by the system outage, or establish a fire watch until the system is back in service, notwithstanding the lower standard of the LSC.

We also propose to add a new requirement at § 403.744(a)(6) that would retain the 36 inch window sill requirement that was in the 2000 edition of the LSC.

In addition, we propose to retain the requirement at § 403.744(b) related to the Secretary's waiver authority and state imposed codes. We do not propose to make any changes to this section.

Furthermore, we propose to remove the requirements at § 403.744(c) related to the phase-in period for compliance with emergency lighting. In the 2003 final rule, we allowed facilities until March 13, 2006, to upgrade their emergency lighting equipment. This phase-in period has now expired and all facilities should be in compliance. Therefore, this phase-in provision is no longer a necessary regulatory requirement.

We are proposing to add a new Condition of Participation at § 403.745 that would require RNHCIs to comply with the 2012 edition of the NFPA 99. We propose that chapters 7, 8, 12, and 13 would not apply to RNHCIs. We also propose to allow for waivers of these provisions under the same conditions and procedures that we currently use for waivers of applicable provisions of the LSC.

2. Ambulatory Surgery Centers: Condition for Coverage: Environment (§ 416.44)

We propose that all ASCs meet the provisions applicable to Ambulatory Health Care Centers in the 2012 edition of the LSC, except as detailed in section I of this preamble, regardless of the number of patients the facility serves. We believe the protection provided in the Ambulatory Health Care Centers chapter is necessary to protect the health and safety of patients who are incapable of caring for themselves at any point in time. However, we do not believe that the Business Occupancy chapter of the LSC (applied by some authorities having jurisdiction to ASCs treating fewer than 4 patients at a time) affords an adequate level of protection to patients in an ASC.

Specifically, we propose to retain the provision at § 416.44(b)(2) and (3) related to the Secretary's waiver authority and state imposed codes. We do not propose to make any changes to this section.

We propose to remove the requirements at § 416.44(b)(4) related to the phase-in period for compliance with emergency lighting. In the 2003 final rule, we allowed facilities until March 13, 2006, to upgrade their emergency lighting equipment. This phase-in period has now expired and all facilities should be in compliance. Therefore, this phase-in provision is no longer a necessary regulatory requirement.

We propose to modify the requirements specific to ABHRs since most of the requirements are now included in the 2012 edition of the LSC. Specifically, we propose to remove the requirements at § 416.44(b)(5)(i), (ii), (iv), (A) through (G), and (v). We also propose to retain the requirements at § 416.44(b)(5)(iii) related to protection against inappropriate access, and would redesignate it at § 416.44(b)(4).

We propose to add a new requirement at § 416.44(b)(5) that would require a facility with a sprinkler system that is out of service for more than 4 hours in a 24-hour period to evacuate the building or portion of the building affected by the system outage, or establish a fire watch until the system is back in service, notwithstanding the lower standard of the 2012 LSC.

We propose to add a new requirement at § 416.44(b)(6) that would require facilities with windowless anesthetizing locations to have a supply and exhaust system that automatically vents smoke and products of combustion, prevents recirculation of smoke originating within the operating room, and prevents the circulation of smoke entering the system intake.

We are proposing to add a new paragraph at § 416.44(c) that would require ASCs to comply with the 2012 edition of the NFPA 99. We propose that chapters 7, 8, 12, and 13 would not apply to ASCs. We also propose to allow for waivers of these provisions under the same conditions and procedures that we currently use for waivers of applicable provisions of the LSC.

3. Hospice Care: Condition of Participation: Hospices That Provide Inpatient Care Directly (§ 418.110)

We propose that all inpatient hospice facilities meet the provisions applicable to health care occupancies in the 2012 edition of the LSC, with the exceptions discussed in section I of this preamble, regardless of the number of patients they serve. We note that this is not a change in requirements, but merely a clarification that, for LSC purposes, an inpatient hospice facility is considered a health care occupancy. The LSC does not apply to hospice care that is provided in a patient's home.

We propose to retain the requirements at § 418.110(d)(1)(ii) related to the prohibition of roller latches in health care facilities. We are proposing to update the LSC chapter reference from ''19.3.6.3.2 exception number 2'' to ''19.3.6.3.5 numbers 1 and 2 and 19.3.6.3.6 number 2.'' In addition, we propose to retain the provision at § 418.110(d)(2) and (3) related to the Secretary's waiver authority and state imposed codes. We do not propose to make any changes to this section.

We also propose to modify the requirements specific to ABHRs because most of the requirements are now included in the 2012 edition of the LSC. Specifically, we propose to remove the requirements at § 418.110(d)(4)(i), (ii) and (iv). We also propose to retain the

requirements at § 418.110(d)(4)(iii) related to protection against inappropriate access, and would redesignate this requirement at § 418.110(d)(4).

We propose to add a new requirement at § 418.110(d)(5) that would require a facility with a sprinkler system that is out of service for more than 4 hours in a 24-hour period to evacuate the building or portion of the building affected by the system outage, or establish a fire watch until the system is back in service, notwithstanding the lower standard of the 2012 LSC.

We also propose to add a new requirement at § 418.110(d)(6) that would retain the 36 inch window sill requirement that was in the 2000 edition of the LSC.

We are proposing to add a new paragraph at § 418.110(e) that would require hospices to comply with the 2012 edition of the NFPA 99. We propose that chapters 7, 8, 12, and 13 would not apply to hospices. We also propose to allow for waivers of these provisions under the same conditions and procedures that we currently use for waivers of applicable provisions of the LSC.

4. Programs of All-Inclusive Care for the Elderly (PACE): Condition of Participation: Physical Environment (§ 460.72)

We propose to retain most of the provisions of the existing final regulation for Programs of All-Inclusive Care for the Elderly (PACE) published in the **Federal Register** on January 10, 2003 (68 FR 1374), regardless of the number of patients the PACE facility serves. PACE providers would continue to be required to meet LSC specifications for the type of facilities in which the programs are located (that is, hospitals, and office buildings).

Specifically, we propose to retain the requirements at § 460.72(b)(1)(ii) related to the prohibition of roller latches in health care facilities. We are proposing to update the LSC chapter reference from ''19.3.6.3.2 exception number 2'' to ''19.3.6.3.5 numbers 1 and 2 and 19.3.6.3.6 number 2.''

We propose to retain the provision at § 460.72(b)(2)(i) and (ii) related to the Secretary's waiver authority and state imposed codes. We do not propose to make any changes to this section.

We propose to remove the requirement at § 460.72(b)(3) related to the phase-in period for compliance with emergency lighting. In the 2003 final rule, we allowed facilities until March 13, 2006, to upgrade their emergency lighting equipment. This phase-in period has now expired and all facilities should be in compliance. Therefore, this phase-in provision is no longer a necessary regulatory requirement.

We also propose to remove the requirements at § 460.72(b)(4) related to the prohibition of roller latches in health care facilities. In the 2003 final rule, we allowed facilities until March 13, 2006, to replace their existing roller latches. This phase-in period has now ended, and all facilities should be in compliance. Therefore, this phase-in provision is no longer a necessary regulatory requirement.

We propose to modify the requirements specific to ABHRs because most of the requirements are now located in the 2012 edition of the LSC. Specifically, we proposed to remove the requirements at § 460.72(b)(5)(i), (ii), (iv) and (v). In addition, we propose to retain the requirements at § 460.72(b)(5)(iii) related to protection against inappropriate access, and would redesignate it at § 460.72(b)(3).

We propose to add a new requirement at § 460.72(b)(4) that would require a facility with a sprinkler system that is out of service for more than 4 hours in a 24-hour period to evacuate the building or portion of the building affected by the system outage, or establish a fire watch until the system is back in service, notwithstanding the lower standard of the 2012 LSC.

We are proposing to add a new paragraph at § 460.72(d) that would require PACE centers to comply with the 2012 edition of the NFPA 99. We propose that chapters 7, 8, 12, and 13 would not apply to PACEs. We also propose to allow for waivers of these provisions under the same conditions and procedures that we currently use for waivers of applicable provisions of the LSC.

5. Hospitals: Condition of Participation: Physical Environment (§ 482.41)

We propose that the hospital must meet the health care occupancy provisions of the 2012 edition of the LSC, regardless of the number of patients the hospital serves. There can be multiple occupancy classifications within a single hospital. Therefore, multiple chapters of the code may be applied to a single hospital in accordance with the Multiple Occupancies provisions in 18.1.3 and 19.1.3. In addition, we believe that hospital outpatient surgical departments are comparable to ASCs and thus should be required to meet the provisions applicable to Ambulatory Health Care Occupancy chapters, regardless of the number of patients served.

We propose to retain most of the provisions from the existing final regulation for hospitals published in the **Federal Register** on January 10, 2003 (68 FR 1374). Specifically, we propose to retain the requirements at § 482.41(b)(1)(ii) related to the prohibition of roller latches in health care facilities. We are proposing to update the LSC chapter reference from ''19.3.6.3.2 exception number 2'' to ''19.3.6.3.5 numbers 1 and 2 and 19.3.6.3.6 number 2.''

We propose to retain the provision at § 482.41(b)(2) and (3) related to the Secretary's waiver authority and state imposed codes. We do not propose to make any changes to this section.

We propose to remove the requirements at § 482.41(b)(4) related to the phase-in period for compliance with emergency lighting. In the 2003 final rule, we allowed facilities until March 13, 2006, to upgrade their emergency lighting equipment. This phase-in period has now ended, and all facilities should be in compliance. Therefore, this phase-in provision is no longer a necessary regulatory requirement.

We propose to remove the requirements at § 482.41(b)(5) related to phase-in period of the prohibition on roller latches in health care facilities. This provision allowed hospitals a 3 year period to replace all existing roller latches. This phase-in period has now expired and all facilities should be in compliance. Therefore, this phase-in provision is no longer a necessary regulatory requirement.

We propose to retain the requirements at § 482.41(b)(7) through (b)(8), and would redesignate them at § 482.41(b)(4) through (b)(6), without changes.

In addition, we propose to modify the requirements specific to ABHRs since most of the requirements are now located in the 2012 edition of the LSC. We proposed to remove the requirements at § 482.41(b)(9)(i), (ii), (iv) and (v). We propose to retain the requirement at § 482.41(b)(9)(iii) related to protection against inappropriate access, and would redesignate it at § 482.41(b)(7).

We are proposing to add a new requirement at § 482.41(b)(8) that would require a facility with a sprinkler system that is out of service for more than 4 hours in a 24-hour period to evacuate the building or portion of the building affected by the system outage, or establish a fire watch until the system is back in service, notwithstanding the lower standard of the 2012 LSC.

We are also proposing to add a new requirement at § 482.41(b)(9) that would require facilities with windowless anesthetizing locations to have a supply and exhaust system that automatically vents smoke and products of

combustion, prevents recirculation of smoke originating within the surgical suite, and prevents the circulation of smoke entering the system intake.

We also propose to add a new requirement at § 482.41(b)(10) that would retain the majority of the 36 inch window sill requirement that was in the 2000 edition of the LSC. Newborn nurseries and rooms intended for occupancy for less than 24 hours, such as those housing obstetrical labor beds, and recovery beds would be exempt from the window sill height requirement. The 2000 edition of the LSC allowed for observation beds in the emergency department to be exempt from the 36 inch window sill requirement. However, we do not propose to incorporate an exemption for observation beds, because they are frequently occupied for greater than 24 hours. Therefore, observation beds would be required to meet the 36 inch window sill requirement. Window sills in special nursing care areas, such as those housing an intensive care unit, critical care unit, hemodialysis, and neonatal patients, would not exceed 60 inches.

We are proposing to add a new paragraph at § 482.41(c) that would require hospitals to comply with the 2012 edition of the NFPA 99. We propose that chapters 7, 8, 12, and 13 would not apply to hospitals. We also propose to allow for waivers of these provisions under the same conditions and procedures that we currently use for waivers of applicable provisions of the LSC.

6. Long-Term Care Facilities: Condition of Participation: Physical Environment (§ 483.70)

We propose to retain most of the provisions of the existing final regulation for long-term care facilities published in the **Federal Register** on January 10, 2003 (68 FR 1374) regardless of the number of residents the facility serves. We propose to retain the requirements at § 483.70(a)(1)(ii) related to the prohibition of roller latches in health care facilities. We are proposing to update the LSC chapter reference from ''19.3.6.3.2 exception number 2'' to ''19.3.6.3.5 numbers 1 and 2 and 19.3.6.3.6 number 2.''

We propose to retain the provision at § 483.70(a)(2) and (3) related to the Secretary's waiver authority and state imposed codes. We do not propose to make any changes to this section.

We propose to remove the requirements at § 483.70(a)(4) related to the phase-in period for compliance with emergency lighting. In the 2003 final rule, we allowed facilities until March 13, 2006, to upgrade their emergency lighting equipment. This phase-in period has now expired and all facilities should be in compliance. Therefore, this phase-in provision is no longer a necessary regulatory requirement.

We also propose to remove the requirements at § 483.70(a)(5) related to the phase-in period for the prohibition of roller latches in health care facilities. In the 2003 final rule, we allowed facilities until March 13, 2006, to upgrade their door latching equipment. This phase-in period has now ended and all facilities should be in compliance. Therefore, this phase-in provision is no longer a necessary regulatory requirement.

We propose to modify the requirements specific to ABHRs since most of the requirements are now included in the 2012 edition of the LSC. Specifically, we propose to remove the requirements at § 483.70(a)(6)(i), (ii), (iv) and (v). We propose to retain the requirement at § 483.70(a)(6)(iii) related to protection against inappropriate access, and would redesignate it at § 483.70(a)(4).

We propose to retain the requirements at § 483.70(a)(7)(i), (ii), (iii), (A) and (B) related to installation, inspection, testing and maintenance of battery operated single station smoke alarms, without changes. We are proposing to redesignate these requirements at § 483.70(a)(5) (i), (ii), (iii) (A) and (B).

In addition, we propose to retain the requirements at § 483.70(a)(8)(i) and (ii) related to the installation of supervised automatic sprinklers and the testing, inspection and maintenance of the sprinkler system. We propose to redesignate these requirements as § 483.70(a)(6)(i) and (ii), without changes.

We also propose to add a new requirement at § 483.70(a)(7) that would retain the 36 inch window sill requirement that was in the 2000 edition of the LSC.

We are proposing to add a new paragraph at § 483.70(b) that would require LTCs to comply with the 2012 edition of the NFPA 99. We propose that chapters 7, 8, 12, and 13 would not apply to LTCs. We also propose to allow for waivers of these provisions under the same conditions and procedures that we currently use for waivers of applicable provisions of the LSC.

7. Intermediate Care Facilities for Individuals With Intellectual Disabilities: Condition of Participation: Physical Environment (§ 483.470)

We propose to retain most of the provisions of the existing regulation for ICFs/IID. ICFs/IID would continue to be permitted to meet either the Residential Board and Care Occupancies chapter or the Health Care Occupancy chapter of the LSC, as appropriate, regardless of the number of patients the facility serves.

However, we propose not to adopt the provisions at Chapters 32.3.2.11.2 and 33.3.2.11.2, related to ''lockups.'' This is a new provision that has not been addressed in this chapter in prior editions of the LSC. Lock-ups are incidental use areas where occupants are secluded or restrained, and; therefore, incapable of self-preservation in any emergency situation because of security measures and other circumstances no longer under the person's control. We do not believe that lock-ups as described in the LSC are appropriate under any circumstances for board and care facilities.

In addition, we propose to retain the requirements at § 483.470(j)(1)(ii) related to the prohibition of roller latches in health care facilities. We are proposing to update the LSC chapter reference from ''19.3.6.3.2 exception number 2'' to ''19.3.6.3.5 numbers 1 and 2 and 19.3.6.3.6 number 2.''

We propose to retain the requirements at § 483.470(j)(2), (3), and (4). We do not propose any changes to the content of these sections.

We propose to remove the requirements at § 483.470(j)(5) related to the phase-in period for compliance with emergency lighting. In the 2003 final rule, we allowed facilities until March 13, 2006, to upgrade their emergency lighting equipment. This phase-in period has expired and all facilities should be in compliance. Therefore, this phase-in provision is no longer a necessary regulatory requirement.

We propose to remove § 483.470(j)(6) related to the phase-in period for the prohibition of roller latches in health care facilities. In the 2003 final rule, we allowed facilities until March 13, 2006, to upgrade their door latching equipment. This phase-in period has now ended and all facilities should be in compliance. Therefore, this phase-in provision is no longer a necessary regulatory requirement.

We also propose to retain the provision at § 483.470(j)(7)(A) and (B) related to the Secretary's waiver authority and state imposed codes. We propose to redesignate these provisions at § 483.470(j)(5)(A) and (B) without change.

In addition, we propose to modify the requirements specific to ABHRs since most of the requirements are now included in the 2012 edition of the LSC. Specifically, we proposed to remove the requirements at § 483.470(j)(7)(ii)(A),

(B), (D) and (E). We propose to retain the requirements at § 483.470(j)(7)(ii)(C) related to protection against inappropriate access, and would redesignate it at § 483.470(j)(5)(ii).

We propose to add a new requirement at § 483.470(j)(5)(iii) that would require a facility with a sprinkler system that is out of service for more than 4 hours in a 24-hour period to evacuate the building or portion of the building affected by the system outage, or establish a fire watch until the system is back in service, notwithstanding the lower standard of the 2012 LSC.

We are proposing to add a new paragraph at § 483.470(j)(5)(iv) that would require ICF–IIDs to comply with the 2012 edition of the NFPA 99. We propose that chapters 7, 8, 12, and 13 would not apply to ICF–IIDs. We also propose to allow for waivers of these provisions under the same conditions and procedures that we currently use for waivers of applicable provisions of the LSC.

8. Critical Access Hospitals: Condition of Participation: Physical Plant and Environment (§ 485.623)

We propose to retain most of the provisions of the existing final regulation for Critical Access Hospitals (CAHs) published in the **Federal Register** on January 10, 2003 (68 FR 1374), regardless of the number of patients the facility serves. Specifically, we propose to retain the requirements at § 485.623(d)(1)(ii) related to the prohibition of roller latches in health care facilities. We are proposing to update the LSC chapter reference from ''19.3.6.3.2 exception number 2'' to ''19.3.6.3.5 numbers 1 and 2 and 19.3.6.3.6 number 2.''

We propose to retain the requirements at § 485.623(d)(2) through (d)(4). We do not propose to make any changes to these sections.

We propose to remove the requirement at § 485.623(d)(5) related to the phase-in period for compliance with emergency lighting. In the 2003 final rule, we allowed facilities until March 13, 2006, to upgrade their emergency lighting equipment. This phase-in period has now expired and all facilities should be in compliance. Therefore, this phase-in provision is no longer a necessary regulatory requirement.

We propose to remove the requirement at § 485.623(d)(6) related to the phase-in period of the prohibition on roller latches in health care facilities. This provision allowed CAHs a 3 year period to replace all existing roller latches. This phase-in period has also expired and all facilities should be in compliance. Therefore, this phase-in provision is no longer a necessary regulatory requirement.

In addition, we propose to modify the requirements specific to ABHRs since most of the requirements are now incorporated in the 2012 edition of the LSC. Specifically, we proposed to remove the requirements at § 485.623(d)(7)(i), (ii), (iv) and (v). We propose to retain the requirement at § 485.623(d)(7)(iii) related to protection against inappropriate access, and would redesignate it at § 485.623(d)(5).

We are proposing to add a new requirement at § 485.623(d)(6) that would require a facility with a sprinkler system that is out of service for more than 4 hours in a 24-hour period to evacuate the building or portion of the building affected by the system outage, or establish a fire watch until the system is back in service, notwithstanding the lower standard of the 2012 LSC.

We are proposing to add a new requirement at § 485.623(d)(7) that would require facilities with windowless anesthetizing locations to have a supply and exhaust system that automatically vents smoke and products of combustion, prevents recirculation of smoke originating within the surgical suite, and prevents the circulation of smoke entering the system intake.

We also propose to add a new requirement at § 485.623(d)(8) that would retain the 36 inch window sill requirement that was in the 2000 edition of the LSC. With the exception of newborn nurseries and rooms intended for occupancy for less than 24 hours, every sleeping room must have an outside window or outside door, and the sill height must not exceed 36 inches above the floor. Special nursing care areas shall not exceed 60 inches. Windows in atrium walls are considered outside windows for the purposes of this requirement.

We are proposing to add a new paragraph at § 485.623(e) that would require CAHs to comply with the 2012 edition of the NFPA 99. We propose that chapters 7, 8, 12, and 13 would not apply to CAHs. We also propose to allow for waivers of these provisions under the same conditions and procedures that we currently use for waivers of applicable provisions of the LSC.

III. Collection of Information Requirements

This proposed rule does not impose any new reporting, recordkeeping or third-party disclosure requirements. However, this proposed rule does reference the NFPA 99 that has several recordkeeping requirements for medical gas and vacuum systems, and electrical equipment. We believe that documenting maintenance and testing is a usual and customary business practice in accordance with 5 CFR 1320.3(b)(2), and would not impose any additional information collection burden beyond that associated with the normal course of business. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

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. Regulatory Impact Statement

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

A. Overall Impact

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

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). 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 major rules with economically significant effects ($100 million or more in any 1 year). The overall economic impact for this rule is estimated to be $41,437,279 in the first year of implementation and $7,109,914

after the first year of implementation, and annually thereafter for an 11 year period. Therefore, this is not an economically significant or major rule.

B. Alternatives Considered

We could have chosen not to update our fire safety provisions. We believe that this is not an acceptable alternative because many health care facilities complete unnecessary work and incur unnecessary expense without any gain in fire safety by continuing to comply with the 2000 edition of the Life Safety Code. Many states have adopted subsequent editions of the Life Safety Code. This has caused confusion for, and imposed additional burdens on, health care facilities, that must request waivers or modify designs to meet the requirements of both the state- and federally-adopted editions of the LSC. Updating the LSC would not only relieve the regulatory burden on health care providers, but also assist in ensuring the health and safety of patients and staff.

We considered proposing an alternative phase-in period for the requirement to install sprinklers in high rise health care occupancies. The LSC allows for a 12-year phase-in period, which would begin on the day a final rule is published. We considered shortening this period in order to accelerate compliance. However, based on our recent experience with requiring long term care facilities to install sprinklers within 5 years, and the difficulties that several facilities have faced in meeting this deadline, we have learned that a shorter phase-in period is not always feasible for facilities. We also considered proposing a longer phase-in period, but believe that extending beyond 12 years set out in the LSC may not sufficiently convey the importance of this requirement to improving patient and staff safety in these buildings. Therefore, we have proposed to maintain the phase-in length that is already part of the LSC, and we are specifically requesting public comment on the appropriateness of this timeframe.

We considered not proposing separate requirements for anesthetizing locations, out-of-service sprinkler systems, and window sill heights. Although the NFPA has removed these requirements from the LSC, we felt that these were important issues that still needed to be required for the safety of patients, visitors, and staff. We believe that smoke detection systems in anesthetizing locations are important because there continue to be operating room fires and this requirement will maintain the safety in operating rooms for staff and patients. CMS believes that allowing a sprinkler system to be out of service for 12 hours before evacuating patients or establishing a fire watch is too long. Therefore, CMS will continue to require the shorter 4 hour timeframe that was in the 2000 edition of the LSC. Lastly, window sill height requirements were eliminated from the 2012 edition of the LSC. We believe that this requirement is essential to allow easier access for emergency personnel in the event of a fire or other emergency situation.

We considered not proposing the adoption of the NFPA 99 Health care Facilities code. However, many requirements of the LSC already cross reference the NFPA 99, therefore we decided to propose adopting the NFPA 99 because it addresses additional building safety topics that are related to important fire safety issues.

We also considered proposing adoption of chapters 7, 8, 12, and 13 of the NFPA 99, related to information technology, plumbing, emergency management, and security management. We believe that information technology, plumbing and security management are not within the scope of the conditions of participation and conditions for coverage. In addition, emergency management topics are addressed in our December 27, 2013 proposed rule, ''Medicare and Medicaid Programs: Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers'' (78 FR 79081).

C. Anticipated Effects

1. Hospitals

Section 19.4.2 of the LSC requires that all existing high-rise buildings containing health care occupancies be protected throughout by an approved, supervised automatic sprinkler system. This provision was added to the LSC in 2012 and we anticipate that there would be a cost associated with installing the sprinklers. Since this is a new provision for the 2012 edition of the LSC, only 3 states have adopted this requirement, accounting for 21 high-rise facilities.

To develop the most accurate estimate possible for this provision, we requested data from all 50 states regarding the sprinkler status of high-rise buildings containing health care occupancies, and the average square footage needing to be sprinklered. Of the 50 states, we received some data from 30 states.[1] We calculated the average number of high-rise hospitals for all of the states that responded. Overall, 15.64 percent of hospitals were located in high-rise buildings. We also used the data submitted to determine the average number of fully, partially and non-sprinklered high-rise buildings in each state for which we have data. First, we calculated the percentages of fully, partially, and non-sprinklered hospitals for each state. We then averaged the percentage of fully, partially and non-sprinklered buildings across all states for which there was data, with a result of 84.66 percent of hospitals in high-rise buildings being fully sprinklered, 14.6 percent being partially sprinklered and 0.74 percent being non-sprinklered.

Next, we applied these percentages to the states that did not respond to our data request or that provided a limited amount of data. For example, Alabama has a total of 125 hospitals. Based on the data from states that submitted information, we know that, on average, 15.64 percent of hospitals have high-rise buildings, for an estimated 20 high-rise hospitals in Alabama. We used this same methodology to estimate the average number of high-rise hospitals in all of the states that did not respond to our data request or that provided only a limited amount of data, for a total of 386 high-rise hospitals. Of the 386 estimated high-rise hospitals in states that did not respond, we estimate there are 339 fully sprinklered, 56 partially sprinklered, and 3 non-sprinklered. We note that these numbers do not directly match because there was limited actual data available for the state of Massachusetts. The number of high rise hospitals in Massachusetts is included in the count of states for which we have reported data. However, because we did not receive a breakdown of those high-rise hospitals by their current sprinkler status, we used the methodology described above to estimate the distribution of fully sprinklered, partially sprinklered, and non-sprinklered high-rise hospitals in that state.

We combined this information with the information from the states that submitted data to develop an estimate of 858 high-rise facilities with health care occupancies throughout all 50 states (472 high-rise facilities in states that submitted data + 386 estimated high-rise facilities in states that did not submit data). We estimate that 682 of those high-rise facilities are fully

[1] The following states submitted data regarding the sprinkler status of high-rise buildings containing health care facilities—Arizona, Arkansas, California, Colorado, Delaware, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Virginia, Washington, and Wyoming.

sprinklered, 169 are partially sprinklered, and 7 are not sprinklered.

We also requested that the 50 states submit information regarding the area (measured in square feet) per partially sprinklered and non-sprinklered facility that does not currently have sprinklers. Only 8 states supplied data regarding the area to be sprinklered in partially sprinklered facilities.[2] In addition, 3 states supplied data regarding the area to be sprinklered in non-sprinklered facilities.[3] We did not specify size and age data. Of the states that responded with square footage data, we estimate that an average partially sprinklered facility would need to install sprinklers to protect 37,173 square feet, and an average non-sprinklered facility would need to install sprinklers to protect 127,667 square feet. Regardless of the square footage, any facility in a high-rise building 75' and over is required to be sprinklered. We recognize that these averages are based on very limited data submitted by the states, and we welcome public comment and/or additional data submission that would help us improve the accuracy of these estimates.

We applied all of the data submitted and averages calculated to figure out the total average area that will need to be sprinklered in all partially sprinklered facilities and non-sprinklered facilities, and the cost associated with that installation. Based on the information provided by the public in comments received on the hospital conditions of participation (76 FR 65891), the cost per square foot to install sprinklers is approximately $11. We estimated that there are 169 partially sprinklered facilities that would install sprinklers to cover an average of 37,173 square feet per facility, for a total of 6,282,237 square feet. At an estimated cost of $11 per square foot to install sprinklers, we estimate a total cost of $69,104,607 for all partially sprinklered facilities (6,282,937 square feet × $11 per square foot). We estimate that an average partially sprinklered facility would spend $408,903 to complete the sprinkler installation (37,173 square feet per facility × $11 per square foot).

We estimated that there are 7 non-sprinklered facilities nationwide, and that an average non-sprinklered facility would install sprinklers for, 127,667 square feet, for a total of 893,669 square feet (7 facilities × 127,667 square feet per facility). At an estimated cost of $11 per square foot to install sprinklers, we estimate that it would cost $9,830,359 for all non-sprinklered facilities to install sprinklers in their facilities. We estimate that an average non-sprinklered facility would spend $1,404,337 per facility (127,667 square feet × $11 per square foot).

We estimate the total cost associated with the installation of sprinklers in partially sprinklered and non-sprinklered facilities to be $78,934,966 ($69,104,607 for all partially sprinklered facilities + $9,830,359 for all non-sprinklered facilities). This cost would be distributed over a phase-in period of 12 years, per the phase-in period established within the LSC, or an average yearly cost of $6.6 million.

2. Ambulatory Surgical Centers

Sections 20.3.2.1 and 21.3.2.1 of the LSC requires all doors to hazardous areas to be self-closing or automatic closing. This provision was added to the LSC in 2003, and we anticipate that there would be a cost associated with installing the self-closing or automatic closing doors. Since 2003, 35 states have adopted this requirement, accounting for 4,149 ASCs. As of December 2012, there were 5,444 total Medicare and applicable Medicaid participating ASCs. The 1,295 remaining facilities would be required to upgrade their door closing mechanisms to meet this requirement. The estimated cost per door is $349, and we would assume the average facility has 3 hazardous areas that would require a replacement door closing mechanism for a total cost of $1,047 per facility. The anticipated cost is $1,355,865.

3. Intermediate Care Facilities for Individuals With Intellectual Disabilities

Sections 32.2.3.5.7 and 33.2.3.5.7 of the LSC requires attics of new and existing facilities to be sprinklered if the attic space is used for living purposes, including storage and fuel fired equipment. Facilities that do not use their attics for living purposes may choose to install a heat detection system in place of the sprinklers. This provision was added to the LSC in 2012. Since this is a new provision for the 2012 edition of the LSC, only 3 states have adopted this requirement, accounting for 78 ICF–IIDs. We are not including those 78 facilities in our analysis. For purposes of this analysis only, we assume that about 10 percent (639) of facilities will install a heat detection system because they do not use the attic for living purposes. As of December 2012, there were 6,460 total Medicare participating ICF–IIDs. After excluding those facilities located in states that have already adopted this requirement and those that would install a heat detection system instead of sprinklers, the 5,743 remaining facilities would be required to install sprinklers in their attics to meet this requirement. Installing sprinklers into an unfinished attic is less complicated than installing sprinklers in a finished hospital, therefore the cost per square foot would be less to install in attics than hospitals. The estimated cost per square foot to install sprinklers in an attic is $3.00, and the average estimated square footage per attic per facility is 1500 square feet, for a total of $4,500 per ICF–IID. We estimate that all ICF–IIDs would spend $25,843,500 to install sprinklers in their attic spaces.

Facilities that do not use their attics for living purposes may choose to install a heat detection system in the attic instead of sprinklers. We assume that 639 facilities will install a heat detection system. We estimate the cost to install a heat detection system to be $1,000 per facility. The anticipated cost would be $639,000 for all affected facilities to install heat detection systems.

Section 33.3.3.2.3 of the LSC requires all hazardous areas in existing facilities with impractical evacuation capabilities to be separated from other parts of the building by a smoke partition. This provision was added to the LSC in 2012 and we anticipate there being a cost associated with installing the smoke partition. Since this is a new provision for 2012, only 3 states have adopted this requirement, accounting for 78 ICF–IIDs. As of December 2012, there were 6,460 total Medicare and applicable Medicaid participating ICF–IIDs. We do not collect data regarding the evacuation capability of each ICF–IID. Therefore, for purposes of this analysis only, we assume that the 6,382 remaining facilities will need to install a smoke partition around all hazardous areas to meet this requirement. The estimated cost per smoke partition is $500, and we assume that an average ICF–IID would need to install 2 smoke partitions for a total of $1,000 per facility. The anticipated cost is $6,382,000.

Section 33.3.3.4.6.2 of the LSC requires that, when an existing facility installs a new fire alarm system, or the existing fire alarm system is replaced, notification of emergency forces should be handled in accordance with section 9.6.4, which states that notification of emergency forces should alert the municipal fire department and fire

[2] The following states provided data regarding the average square footage for partially sprinklered high-rise facilities containing health care facilities—California, Hawaii, Iowa, Kansas, Nebraska, Pennsylvania, Virginia, and Washington.

[3] The following states provided data regarding the average square footage for non-sprinklered high-rise facilities containing health care facilities-California, Hawaii, and Iowa.

brigade (if provided) of fire or other emergency. This provision was added to the LSC in 2012 and we anticipate there being a cost associated with upgrading a new or existing fire alarm system. Since this is a new provision for 2012, only 3 states have adopted this requirement, accounting for 78 ICF–IIDs. As of December 2012, there were 6,460 total Medicare participating ICF–IIDs. The 6,382 remaining facilities would be required to add emergency notifications capabilities when they choose to update or install a new fire alarm system. The estimated cost per upgrade is $1000. For purposes of this analysis only, we assume that about 8.3 percent (532) of facilities will do this in any given year, for an annual cost of $532,000 over a 12 year period.

($1,000 per upgraded alarm system × 532 facilities in any given year = 532,000)

TABLE 1—TOTAL COST FOR IMPLEMENTATION IN YEAR 1

Requirement	Provider type affected	Cost per affected provider	Cost for all providers
High-rise sprinkler installation *	Hospitals, partially sprinklered	$34,075	$5,758,717
High-rise sprinkler installation *	Hospitals, non-sprinklered	117,028	819,197
Self-closing or automatic closing doors on hazardous areas.	Ambulatory surgical centers	1,047	1,355,865
Sprinklers in Attics (used for living purposes, storage or fuel fired equipment).	Intermediate care for individuals with intellectual disabilities.	4,500	25,843,500
Heat detection systems in attics (not used for living purposes).	Intermediate care for individuals with intellectual disabilities.	1,000	639,000
Hazardous areas separated by smoke partitions	Intermediate care for individuals with intellectual disabilities.	1,000	6,382,000
Upgrade existing or install new fire alarm system with emergency forces notification capabilities*.	Intermediate care for individuals with intellectual disabilities.	1,000	532,000
Total			41,437,279

* Data presented for a single year of the 12 year phase-in period.

TABLE 2—TOTAL COST OF IMPLEMENTATION FOR YEARS 2–12

Requirement	Provider type affected	Cost per affected provider	Cost for all providers
High-rise sprinkler installation	Hospitals, partially sprinklered	$34,075	$5,758,717
High-rise sprinkler installation	Hospitals, non-sprinklered	117,028	819,197
Upgrade existing or install new fire alarm system with emergency forces notification capabilities	Intermediate care for individuals with intellectual disabilities	1,000	532,000
TOTAL ANNUALLY			7,109,914
OVERALL TOTAL YEARS 2–12			78,209,054

TABLE 3—TOTAL COST OF IMPLEMENTATION FOR ALL YEARS

Year 1 of implementation	$41,437,279
Years 2–12 of implementation	78,209,054
TOTAL	119,646,333

4. Benefits to Patients/Residents

As a result of this rule, we believe that there would be a decreased risk of premature death. A decreased risk of premature death is valuable to people and that value is symbolized by their willingness to pay for such benefits. The Department of Transportation found in a recent literature review that willingness to pay for reductions in the risk of premature death equivalent to saving one life in expectation is typically over $9 million (*http://www.dot.gov/sites/dot.dev/files/docs/VSL%20Guidance%202013.pdf*). Although we are not quantifying the number of lives that would be saved upon implementation of this proposed rule due to the lack of data that could provide a reliable point estimate, we believe that there is potential for such a result.

The RFA requires agencies to analyze options for regulatory relief of small entities, 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 government agencies. Individuals and states are not included in the definition of a small entity. For purposes of the RFA, most of the providers and suppliers that would be affected by this rule (hospitals, ASCs, and ICF–IIDs) are considered to be small entities, either by virtue of their nonprofit or government status or by having yearly revenues below industry threshold established by the Small Business Administration (for details, see the Small Business Administration's Web site at *http://www.sba.gov/content/small-business-size-standards*.

We estimate that implementation of the high-rise sprinkler requirements of this rule will cost all affected hospitals approximately $6.6 million total in any 1 year. That's a total of $408,903 per individual facility that is partially sprinklered or $34,075 per year over the 12 year phase-in period and/$1.4 million per individual facility that is non-sprinklered or $117,028 per year over the 12 year phase-in period. We estimate the implementation of this rule will cost affected ASCs approximately $1.4 million in the first year of implementation, or $1,047 per ASC. We estimate that implementation of this rule will cost affected ICF–IIDs approximately $32.9 million in the first year of implementation, or $6,500 per affected ICF–IID. The Department of Health and Human Services uses as its measure of significant economic impact on a substantial number of small entities a change in revenues of more than 3 to 5 percent. Therefore, the Secretary proposes to certify that this rule will not have a significant impact on a substantial number of small entities, since the impact will be less than 3 percent of the revenue.

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 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. We believe that this rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) 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 2013, that threshold is approximately $141 million. This rule will not have an impact on the expenditures of state, local, or tribal governments in the aggregate, or on the private sector of $141 million.

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 rule has no Federalism implications.

List of Subjects

42 CFR Part 403

Health insurance, Hospitals, Intergovernmental relations, Incorporation by reference, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 416

Health facilities, Kidney diseases, Incorporation by reference, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 418

Health facilities, Hospice care, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 460

Aged, Health, Incorporation by reference, Medicare, Medicaid, Reporting and record keeping requirements.

42 CFR Part 482

Grant programs-health, Hospitals, Incorporation by reference, Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 483

Grant programs-health, Health facilities, Health professions, Health records, Incorporation by reference, Medicaid, Medicare, Nursing homes, Nutrition, Reporting and recordkeeping requirements, Safety.

42 CFR Part 485

Grant programs—health, Health facilities, Incorporation by reference, Medicaid, Medicare, Reporting and record keeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

PART 403—SPECIAL PROGRAMS AND PROJECTS

■ 1. The authority citation for part 403 continues to read as follows:

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

■ 2. Amend § 403.744 by—

■ A. Revising paragraph (a)(1)(i).

■ B. Amending paragraph (a)(1)(ii) by removing the reference to ''Chapter 19.3.6.3.2, exception number 2'' and adding in its place ''Chapter 19.3.6.3.5 numbers 1 and 2 and Chapter 19.3.6.3.6 number 2''.

■ C. Revising paragraph (a)(4).

■ D. Adding paragraphs (a)(5) and (6).

■ E. Removing paragraph (c).

The revisions and additions read as follows:

§ 403.744 Condition of participation: Life safety from fire.

(a)(1) * * *

(i) Except as otherwise provided in this section, the RNHCI must meet the applicable provisions of the 2012 edition of the Life Safety Code of the National Fire Protection Association, regardless of the number of individuals served. The Director of the Office of the Federal Register has approved the NFPA 101® 2012 edition of the Life Safety Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

* * * * *

(4) The RNHCI may place alcohol-based hand rub dispensers in its facility if the dispensers are installed in a manner that adequately protects against inappropriate access.

(5) When a sprinkler system is out of service for more than 4 hours in a 24-hour period, the RHNCI must—

(i) Evacuate the building or portion of the building affected by the system outage until the system is back in service, or

(ii) Establish a fire watch until the system is back in service.

(6) Every sleeping room must have an outside window or outside door, and the sill height must not exceed 36 inches above the floor. Windows in atrium walls are considered outside windows for the purposes of this requirement.

* * * * *

■ 3. Add § 403.745 to read as follow:

§ 403.745 Condition of participation: Building Safety.

(a) *Standard: building safety.* Except as otherwise provided in this section, the RNHCI must meet the applicable provisions of the 2012 edition of the Health Care Facilities Code of the National Fire Protection Association,

regardless of the number of patients served. The Director of the Office of the Federal Register has approved the NFPA 99® 2012 edition of the Health Care Facilities Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

(b) *Standard: exceptions.* Chapters 7, 8, 12, and 13 of the adopted Health Care Facilities Code do not apply to an RNHCI.

(c) *Waiver.* If application of the Health Care Facilities Code required under paragraph (a) of this section would result in unreasonable hardship upon the RNHCI, CMS may waive specific provisions of the Health Care Facilities Code, but only if the waiver does not adversely affect the health and safety of individuals.

PART 416—AMBULATORY SURGICAL SERVICES

■ 4. The authority citation for part 416 continues to read as follows:

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

■ 5. Amend § 416.44 by—
■ A. Revising paragraph (b)(1).
■ B. Removing paragraph (b)(4).
■ C. Redesignating paragraph (b)(5) as paragraph (b)(4).
■ D. Revising newly redesignated paragraph (b)(4).
■ E. Adding new paragraphs (b)(5) and (6)
■ F. Redesignating paragraphs (c) and (d) as (d) and (e).
■ G. Adding new paragraph (c).

The revisions and additions read as follows:

§ 416.44 Condition for coverage—Environment.

* * * * *

(b) * * *

(1) Except as otherwise provided in this section, the ASC must meet the provisions applicable to Ambulatory Health Care Centers of the 2012 edition of the Life Safety Code of the National Fire Protection Association, regardless of the number of patients served. The Director of the Office of the Federal Register has approved the NFPA 101® 2012 edition of the Life Safety Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD and 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

* * *

(4) An ASC may place alcohol-based hand rub dispensers in its facility if the dispensers are installed in a manner that adequately protects against inappropriate access.

(5) When a sprinkler system is out of service for more than 4 hours in a 24-hour period, the ASC must—

(i) Evacuate the building or portion of the building affected by the system outage until the system is back in service, or

(ii) Establish a fire watch until the system is back in service.

(6) In windowless anesthetizing locations, the ASC must have a supply and exhaust system that—

(i) Automatically vents smoke and products of combustion,

(ii) Prevents recirculation of smoke originating within the surgical suite, and

(iii) Prevents the circulation of smoke entering the system intake.

(c) Standard: building safety. Except as otherwise provided in this section, the ASC must meet the applicable provisions of the 2012 edition of the Health Care Facilities Code of the National Fire Protection Association, regardless of the number of patients served. The Director of the Office of the Federal Register has approved the NFPA 99® 2012 edition of the Health Care Facilities Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

(1) Chapters 7, 8, 12, and 13 of the adopted Health Care Facilities Code do not apply to an ASC.

(2) If application of the Health Care Facilities Code required under paragraph (c) of this section would result in unreasonable hardship upon the ASC, CMS may waive specific provisions of the Health Care Facilities Code, but only if the waiver does not adversely affect the health and safety of patients.

* * * * *

PART 418—HOSPICE CARE

■ 6. The authority citation for part 418 continues to read as follows:

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

§ 418.108 [Amended]

■ 7. Amend § 418.108 by—
■ A. Amending paragraph (a)(2) by removing the reference ''§ 418.110(b) and (e)'' and by adding in its place the reference ''§ 418.110(b) and (f)''.
■ B. Amending paragraph (b)(1)(ii) by removing the reference ''§ 418.110(e)'' and by adding in its place the reference ''§ 418.110(f)''.
■ 8. Amend § 418.110 by—
■ A. Revising paragraph (d)(1)(i).
■ B. Amending paragraph (d)(1)(ii) by removing the reference to ''Chapter 19.3.6.3.2, exception number 2'' and adding in its place ''Chapter 19.3.6.3.5 numbers 1 and 2 and Chapter 19.3.6.3.6 number 2''.
■ C. Revising paragraph (d)(4).
■ D. Adding paragraphs (d)(5) and (6).
■ E. Redesignating paragraphs (e) through (o) as (f) through (p).
■ F. Adding new paragraph (e).

The revisions and additions read as follows:

§ 418.110 Condition of participation: Hospices that provide inpatient care directly.

* * * * *

(d)(1) * * *

(i) Except as otherwise provided in this section, the hospice must meet the

provisions applicable to health care occupancies of the 2012 edition of the Life Safety Code of the National Fire Protection Association, regardless of the number of patients served. The Director of the Office of the Federal Register has approved the NFPA 101® 2012 edition of the Life Safety Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/federalregister/codeoffederalregulations/ibrlocations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in the edition of the Code are incorporated by reference, CMS will publish a notice in the **Federal Register** to announce the changes.

* * * * *

(4) A hospice may place alcohol-based hand rub dispensers in its facility if the dispensers are installed in a manner that adequately protects against access by vulnerable populations.

(5) When a sprinkler system is out of service for more than 4 hours in a 24-hour period, the hospice must—

(i) Evacuate the building or portion of the building affected by the system outage until the system is back in service, or

(ii) Establish a fire watch until the system is back in service.

(6) Every sleeping room must have an outside window or outside door, and the sill height must not exceed 36 inches above the floor. Windows in atrium walls are considered outside windows for the purposes of this requirement.

(e) Standard: Building Safety. Except as otherwise provided in this section, the hospice must meet the applicable provisions of the 2012 edition of the Health Care Facilities Code of the National Fire Protection Association, regardless of the number of patients served. The Director of the Office of the Federal Register has approved the NFPA 99® 2012 edition of the Health Care Facilities Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

(1) Chapters 7, 8, 12, and 13 of the adopted Health Care Facilities Code do not apply to a hospice.

(2) If application of the Health Care Facilities Code required under paragraph (e) of this section would result in unreasonable hardship upon the hospice, CMS may waive specific provisions of the Health Care Facilities Code, but only if the waiver does not adversely affect the health and safety of patients.

* * * * *

PART 460—PROGRAMS OF ALL INCLUSIVE CARE FOR THE ELDERLY (PACE)

■ 9. The authority citation for part 460 continues to read as follows:

Authority: Secs. 1102, 1871, 1894(f), and 1934(f) of the Social Security Act (42 U.S.C. 1302 and 1395, 1395eee(f), and 1396u–4(f)).

■ 10. Amend § 460.72 by—

■ A. Revising paragraph (b)(1)(i).

■ B. Amending paragraph (b)(1)(ii) by removing the reference to ''Chapter 19.3.6.3.2, exception number 2'' and adding in its place ''Chapter 19.3.6.3.5 numbers 1 and 2 and Chapter 19.3.6.3.6 number 2''.

■ C. Removing paragraphs (b)(3) and (4).

■ D. Redesignating paragraph (b)(5) as paragraph (b)(3).

■ E. Revising newly redesignated paragraph (b)(3).

■ F. Adding new paragraph (b)(4) and paragraph (d).

The revisions and addition read as follows:

§ 460.72 Physical environment.

* * * * *

(b) * * *

(1) * * *

(i) Except as otherwise provided in this section, a PACE center must meet the applicable provisions of the 2012 edition of the Life Safety Code (LSC) of the National Fire Protection Association that apply to the type of setting in which the center is located, regardless of the number of PACE enrollees served. The Director of the Office of the Federal Register has approved the NFPA 101® 2012 edition of the Life Safety Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

* * * * *

(3) A PACE center may install alcohol-based hand rub dispensers in its facility if the dispensers are installed in a manner that adequately protects against inappropriate access.

(4) When a sprinkler system is out of service for more than 4 hours in a 24-hour period, the PACE center must—

(i) Evacuate the building or portion of the building affected by the system outage until the system is back in service, or

(ii) Establish a fire watch until the system is back in service.

* * * * *

(d) Standard: Building Safety. Except as otherwise provided in this section, a PACE center must meet the applicable provisions of the 2012 edition of the Health Care Facilities Code of the National Fire Protection Association, regardless of the number of patients served. The Director of the Office of the Federal Register has approved the NFPA 99® 2012 edition of the Health Care Facilities Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will

publish notice in the **Federal Register** to announce the changes.

(1) Chapters 7, 8, 12, and 13 of the adopted Health Care Facilities Code do not apply to a PACE center.

(2) If application of the Health Care Facilities Code required under paragraph (d) of this section would result in unreasonable hardship upon the PACE center, CMS may waive specific provisions of the Health Care Facilities Code, but only if the waiver does not adversely affect the health and safety of patients.

* * * * *

PART 482—CONDITIONS OF PARTICIPATION FOR HOSPITALS

■ 11. The authority citation for part 482 continues to read as follows:

Authority: Secs. 1102, 1871, and 1881 of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395rr), unless otherwise noted.

■ 12. Amend § 482.41 by—

■ A. Revising paragraph (b)(1)(i).

■ B. Amending paragraph (b)(1)(ii) by removing the reference to ''Chapter 19.3.6.3.2, exception number 2'' and adding in its place ''Chapter 19.3.6.3.5 numbers 1 and 2 and Chapter 19.3.6.3.6 number 2''.

■ C. Removing paragraphs (b)(4) and (5).

■ D. Redesignating paragraphs (b)(6) through (9) as paragraphs (b)(4) through (7), respectively.

■ E. Revising newly redesignated paragraph (b)(7).

■ F. Adding new paragraphs (b)(8), (9), and (10).

■ G. Redesignating paragraph (c) as paragraph (d).

■ H. Adding new paragraph (c).

The revisions and additions read as follows:

§ 482.41 Condition of participation: Physical environment.

* * * * *

(b) * * *

(1) * * *

(i) Except as otherwise provided in this section, the hospital must meet the applicable provisions of the 2012 edition of the Life Safety Code of the National Fire Protection Association, regardless of the number of patients served. The Director of the Office of the Federal Register has approved the NFPA 101® 2012 edition of the Life Safety Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

* * * * *

(7) A hospital may install alcohol-based hand rub dispensers in its facility if the dispensers are installed in a manner that adequately protects against inappropriate access;

(8) When a sprinkler system is out of service for more than 4 hours in a 24-hour period, the hospital must—

(i) Evacuate the building or portion of the building affected by the system outage until the system is back in service, or

(ii) Establish a fire watch until the system is back in service.

(9) In windowless anesthetizing locations, the hospital must have a supply and exhaust system that—

(i) Automatically vents smoke and products of combustion.

(ii) Prevents recirculation of smoke originating within the surgical suite.

(iii) Prevents the circulation of smoke entering the system intake.

(10) Except for, newborn nurseries and rooms intended for occupancy for less than 24 hours, every sleeping room must have an outside window or outside door, and the sill height must not exceed 36 inches above the floor. Special nursing care areas shall not exceed 60 inches. Windows in atrium walls are considered outside windows for the purposes of this requirement.

(c) *Standard: building safety.* Except as otherwise provided in this section, the hospital must meet the applicable provisions of the 2012 edition of the Health Care Facilities Code of the National Fire Protection Association, regardless of the number of patients served. The Director of the Office of the Federal Register has approved the NFPA 99® 2012 edition of the Health Care Facilities Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

(1) Chapters 7, 8, 12, and 13 of the adopted Health Care Facilities Code do not apply to a hospital.

(2) If application of the Health Care Facilities Code required under paragraph (c) of this section would result in unreasonable hardship upon the hospital, CMS may waive specific provisions of the Health Care Facilities Code, but only if the waiver does not adversely affect the health and safety of patients.

* * * * *

PART 483—REQUIREMENTS FOR STATES AND LONG TERM CARE FACILITIES

■ 13. The authority citation for part 483 continues to read as follows:

Authority: Secs. 1102, 1128l and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

§ 483.15 [Amended]

■ 14. In § 483.15, amend paragraph (h)(4) by removing the reference ''§ 483.70(d)(2)(iv)'' and by adding in its place the reference ''§ 483.70(e)(2)(iv)''.

■ 15. Amend § 483.70 by—

■ A. Revising paragraph (a)(1)(i).

■ B. Amending paragraph (a)(1)(ii) by removing the reference to ''Chapter 19.3.6.3.2, exception number 2'' and adding in its place ''Chapter 19.3.6.3.5 numbers 1 and 2 and Chapter 19.3.6.3.6 number 2''.

■ C. Removing paragraphs (a)(4) and (5).

■ D. Redesignating paragraphs (a)(6) through (8) as paragraphs (a)(4) through (6), respectively.

■ E. Revising newly redesignated paragraphs (a)(4).

■ F. Adding new paragraph (a)(7).

■ G. Redesignating paragraphs (b) through (h) as paragraphs (c) through (i).

■ H. Adding new paragraph (b).

The revisions read as follows:

§ 483.70 Physical environment.

* * * * *

(a)(1) * * *

(i) Except as otherwise provided in this section, the long term care facility must meet the applicable provisions of the 2012 edition of the Life Safety Code of the National Fire Protection Association, regardless of the number of residents served. The Director of the Office of the Federal Register has

approved the NFPA 101® 2012 edition of the Life Safety Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

* * * * *

(4) A long-term care facility may install alcohol-based hand rub dispensers in its facility if the dispensers are installed in a manner that adequately protects against inappropriate access.

* * * * *

(7) Every sleeping room must have an outside window or outside door, and the sill height must not exceed 36 inches above the floor. Windows in atrium walls are considered outside windows for the purposes of this requirement.

(b) *Standard: building safety.* Except as otherwise provided in this section, the long term care facility must meet the applicable provisions of the 2012 edition of the Health Care Facilities Code of the National Fire Protection Association, regardless of the number of residents served. The Director of the Office of the Federal Register has approved the NFPA 99® 2012 edition of the Health Care Facilities Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

(1) Chapters 7, 8, 12, and 13 of the adopted Health Care Facilities Code do not apply to a long term care facility.

(2) If application of the Health Care Facilities Code required under paragraph (b) of this section would result in unreasonable hardship upon the long term care facility, CMS may waive specific provisions of the Health Care Facilities Code, but only if the waiver does not adversely affect the health and safety of residents.

* * * * *

■ 16. Amend § 483.470 by—

■ A. Revising paragraph (j)(1)(i).

■ B. Amending paragraph (j)(1)(ii) by removing the reference to ''Chapter 19.3.6.3.2, exception number 2'' and adding in its place ''Chapter 19.3.6.3.5 numbers 1 and 2 and Chapter 19.3.6.3.6 number 2''.

■ C. Adding a new paragraph (j)(1)(iii).

■ D. Removing paragraphs (j)(5) and (6).

■ E. Redesignating paragraph (j)(7) as paragraph (j)(5).

■ F. Revising newly redesignated paragraph (j)(5).

The revisions and additions read as follows:

§ 483.470 Condition of participation: Physical environment.

* * * * *

(j) * * *

(1) * * *

(i) Except as otherwise provided in this section, the facility must meet the applicable provisions of either the Health Care Occupancies Chapters or the Residential Board and Care Occupancies Chapter of the 2012 edition of the Life Safety Code of the National Fire Protection Association, regardless of the number of clients served. The Director of the Office of the Federal Register has approved the NFPA 101® 2012 edition of the Life Safety Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

* * * * *

(iii) Chapters 32.3.2.11.2 and 33.3.2.11.2 of the adopted 2012 LSC do not apply to a facility.

* * * * *

(5) *Facilities that meet the LSC definition of a health care occupancy.* (i) After consideration of State survey agency recommendations, CMS may waive, for appropriate periods, specific provisions of the Life Safety Code if the following requirements are met:

(A) The waiver would not adversely affect the health and safety of the clients.

(B) Rigid application of specific provisions would result in an unreasonable hardship for the facility.

(ii) A facility may install alcohol-based hand rub dispensers if the dispensers are installed in a manner that adequately protects against inappropriate access.

(iii) When a sprinkler system is out of service for more than 4 hours in a 24-hour period, the facility must—

(A) Evacuate the building or portion of the building affected by the system outage until the system is back in service, or

(B) Establish a fire watch until the system is back in service.

(iv) Except as otherwise provided in this section, ICF–IIDs must meet the applicable provisions of the 2012 edition of the Health Care Facilities Code of the National Fire Protection Association, regardless of the number of clients served. The Director of the Office of the Federal Register has approved the NFPA 99® 2012 edition of the Health Care Facilities Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

(A) Chapter 7,8,12 and 13 of the adopted Health Care Facilities Code does not apply to an ICF–IID.

(B) If application of the Health Care Facilities Code required under paragraph (iv) of this section would result in unreasonable hardship upon

the ICF–IID, CMS may waive specific provisions of the Health Care Facilities Code, but only if the waiver does not adversely affect the health and safety of clients.

* * * * *

PART 485—CONDITIONS OF PARTICIPATION: SPECIALIZED PROVIDERS

■ 17. The authority citation for part 485 continues to read as follows:

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

■ 18. Amend § 485.623 by—
■ A. Revising paragraph (d)(1)(i).
■ B. Amending paragraph (d)(1)(ii) by removing the reference to ''Chapter 19.3.6.3.2, exception number 2'' and adding in its place ''Chapter 19.3.6.3.5 numbers 1 and 2 and Chapter 19.3.6.3.6 number 2''.
■ C. Removing paragraphs (d)(5) and (6).
■ D. Redesignating paragraph (d)(7) as paragraph (d)(5).
■ E. Revising newly redesignated paragraph (d)(5).
■ F. Adding paragraphs (d)(6), (7), and (8) and (e)

The revisions and additions read as follows:

§ 485.623 Condition of participation: Physical plant and environment.

* * * * *

(d) * * *

(1) * * *

(i) Except as otherwise provided in this section, the CAH must meet the applicable provisions of the 2012 edition of the Life Safety Code of the National Fire Protection Association, regardless of the number of patients served. The Director of the Office of the Federal Register has approved the NFPA 101® 2012 edition of the Life Safety Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

* * * * *

(5) A CAH may install alcohol-based hand rub dispensers in its facility if the dispensers are installed in a manner that adequately protects against inappropriate access.

(6) When a sprinkler system is out of service for more than 4 hours in a 24-hour period, the CAH must—

(i) Evacuate the building or portion of the building affected by the system outage until the system is back in service, or

(ii) Establish a fire watch until the system is back in service.

(7) In windowless anesthetizing locations, the CAH must have a supply and exhaust system that—

(i) Automatically vents smoke and products of combustion,

(ii) Prevents recirculation of smoke originating within the surgical suite, and

(iii) Prevents the circulation of smoke entering the system intake.

(8) Except for, newborn nurseries and rooms intended for occupancy for less than 24 hours, every sleeping room must have an outside window or outside door, and the sill height must not exceed 36 inches above the floor. Special nursing care areas shall not exceed 60 inches. Windows in atrium walls are considered outside windows for the purposes of this requirement.

(e) Standard: building safety. Except as otherwise provided in this section, the CAH must meet the applicable provisions of the 2012 edition of the Health Care Facilities Code of the National Fire Protection Association, regardless of the number of patients served. The Director of the Office of the Federal Register has approved the NFPA 99® 2012 edition of the Health Care Facilities Code, issued August 11, 2011, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or 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/code_of_federal_regulations/ibr_locations.html.* Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the **Federal Register** to announce the changes.

(1) Chapters 7, 8, 12, and 13 of the adopted Health Care Facilities Code do not apply to a CAH.

(2) If application of the Health Care Facilities Code required under paragraph (e) of this section would result in unreasonable hardship upon the CAH, CMS may waive specific provisions of the Health Care Facilities Code, but only if the waiver does not adversely affect the health and safety of patients.

* * * * *

Dated: August 22, 2013.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Approved: March 7, 2014.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2014–08602 Filed 4–14–14; 11:15 am]

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FEDERAL REGISTER

Vol. 79 Wednesday,
No. 73 April 16, 2014

Part IV

The President

Proclamation 9104—Pan American Day and Pan American Week, 2014

Federal Register
Vol. 79, No. 73
Wednesday, April 16, 2014

Presidential Documents

Title 3—

The President

Proclamation 9104 of April 11, 2014

Pan American Day and Pan American Week, 2014

By the President of the United States of America

A Proclamation

On Pan American Day and during Pan American Week, the Western Hemisphere celebrates a significant anniversary in our shared history—the birth of the International Union of American Republics, forerunner to the Organization of American States. In the 124 years since, our nations have faced great challenges and achieved great progress. We have built lasting friendships, created cultural exchanges, and worked in concert to meet the aspirations of all our peoples.

Today, the United States has more connections to our American neighbors than any other region in the world. These ties are essential to our security and prosperity, and they grow ever more vital with each passing year. Trade between our nations has surged. We are expanding educational exchanges that open doors to new markets, research, and opportunity. And in the international community, we work side-by-side to meet global challenges, from growing the world economy to combatting climate change. In the years to come, the United States will continue investing in clean energy, low-carbon development, and climate-resilient, inclusive growth. Alongside our regional partners, we will ensure that tomorrow's global energy map will be centered in the Americas.

Even more than shared interests, we are bound by shared ideals. After decades of progress, Latin America is assuming a greater role in world affairs. Together, Americans north and south have worked to strengthen civil society, and together we must stand for democracy, human rights, open markets, and fair trade. These practices advance peace and stability. They move us toward a world where—from Boston to Buenos Aires, from Mexico City to Montreal—human beings can pursue their dreams in freedom and dignity.

As we renew the ties between our countries and our peoples, let us reach for this future in the spirit of cooperation and mutual trust.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 14, 2014, as Pan American Day and April 13 through April 19, 2014, as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of the other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

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