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Contents

Federal Register

Vol. 79, No. 77

Tuesday, April 22, 2014

Agency for Healthcare Research and Quality
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22497–22499

Agricultural Marketing Service
RULES
Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, OR:
Decreased Assessment Rates, 22357–22359
Spearmint Oil Produced in the Far West:
Decreased Assessment Rate, 22359–22362

Agriculture Department
See Agricultural Marketing Service
See Forest Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22469–22471

Coast Guard
RULES
Drawbridge Operations:
Delaware River, NJ, 22398
Jamaica Bay and Connecting Waterways, Queens, NY, 22395
Merrimack River, Groveland and Haverhill, MA, 22395–22396
Sacramento River, Sacramento, CA, 22396–22398
Snohomish River and Steamboat Slough, Everett and Marysville, WA, 22397
Safety Zones:
Chicago Harbor, Navy Pier Southeast, Chicago, IL, 22415
Eighth Coast Guard District Annual and Recurring Safety Zones Update, 22398–22413
Xterra Swim, Myrtle Beach, SC, 22413–22415
Special Local Regulations:
Eighth Coast Guard District Annual and Recurring Marine Events Update, 22381–22395
PROPOSED RULES
Navigation Areas:
Slip 4 Early Action Area Superfund Site, Lower Duwamish Waterway; Seattle, WA, 22459–22462
Safety Zones:
Charleston Sharkfest Swim, Charleston, SC, 22462–22464
Swim Around Charleston; Charleston, SC, 22465–22467

Commerce Department
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration

Defense Department
NOTICES
Meetings:
Defense Acquisition University Board of Visitors, 22480

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Evaluation of the Technical Assistance and Dissemination Program; Grantee Questionnaire/Interview and State Survey Data Collection, 22480–22481

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Charter Renewals:
Appliance Standards and Rulemaking Federal Advisory Committee, 22481
Meetings:
Environmental Management Site-Specific Advisory Board, Northern New Mexico, 22481–22482
Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation, 22482–22483
Environmental Management Site-Specific Advisory Board, Paducah, KY, 22482

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Wisconsin; Redesignation of the Milwaukee–Racine 2006 24-Hour Fine Particle Nonattainment Area to Attainment, 22415–22418
Pesticide Tolerances:
Linuron; Technical Correction, 22418–22419
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Underground Storage Tanks, Technical and Financial Requirements, and State Program Approval Procedures, 22487–22488
General Permits:
National Science Foundation; Ocean Disposal of Man-Made Ice Piers from its Base at McMurdo Sound in Antarctica, 22488–22492
Meetings:
Clean Air Scientific Advisory Committee Ozone Review Panel; Correction, 22492

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Airplanes, 22364–22367
Ballonbau Worner GmbH Balloons, 22362–22364
British Aerospace Regional Aircraft Airplanes, 22367–22369
Centrair Gliders, 22369–22371
PROPOSED RULES
Establishment of Class E Airspace:
Memphis, MO, 22458–22459
Steele, MO, 22457–22458

Federal Bureau of Investigation
NOTICES
Meetings:
Criminal Justice Information Services Advisory Policy Board, 22534

Federal Communications Commission
NOTICES
Meetings; Sunshine Act, 22492–22493

Federal Emergency Management Agency
NOTICES
Fire Prevention and Safety Grants:
Assistance to Firefighters Grant Program, 22511–22517
Flood Hazard Determinations; Changes, 22517–22519

Federal Energy Regulatory Commission
NOTICES
Authorizations; Continued Project Operations:
The Loup River Hydroelectric Project; Loup River Public Power District, Nance and Platte Counties, NE, 22483
Combined Filings, 22483–22485
License Applications and Requests to Use the Traditional Licensing Process:
The City of Holyoke Gas & Electric Department, Hampden County, Holyoke, MA, 22485–22486
Preliminary Permit Applications:
Pacific Gas and Electric Company, 22486–22487

Federal Maritime Commission
NOTICES
Ocean Transportation Intermediary License Applicants, 22493–22494
Ocean Transportation Intermediary License Revocations and Terminations, 22494–22495

Federal Motor Carrier Safety Administration
PROPOSED RULES
Commercial Driver's License Drug and Alcohol Clearinghouse, 22467–22468
NOTICES
Hours of Service of Drivers; Exemptions, 22571–22573
Qualification of Drivers; Exemption Applications:
Diabetes Mellitus, 22573–22582

Federal Railroad Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22582–22583

Federal Reserve System
NOTICES
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 22495–22496

Federal Retirement Thrift Investment Board
PROPOSED RULES
Privacy Act and Freedom of Information Act Requests, 22454–22455

Federal Trade Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, 22496–22497

Financial Crimes Enforcement Network
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Renewal without Change of the FinCEN Form 8300, 22584

Fiscal Service
NOTICES
Surety Companies Acceptable on Federal Bonds:
Pacific Employers Insurance Co.; Termination, 22585

Fish and Wildlife Service
NOTICES
Guidance for Industry and Staff:
Friends Policy, 22528–22529

Food and Drug Administration
NOTICES
Meetings:
Postmarketing Requirements for the Class-Wide Extended-Release/Long-Acting Opioid Analgesics, 22499–22501
New Drug Applications:
Eli Lilly and Co., et al.; Withdrawals, 22501–22502

Foreign Assets Control Office
NOTICES
Blocking or Unblocking or Persons and Property:
Five Individuals and Ten Entities; Foreign Narcotics Kingpin Designation Act, 22585–22587

Forest Service
NOTICES
Funding Availability:
Statewide Wood Energy Teams Cooperative Agreement; Wood to Energy Grant, 22471–22476
Meetings:
Resource Advisory Committee; Siskiyou, OR, 22476–22477

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Delegations of Authority:
Food and Drug Administration, 22497

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22502–22505
Health Center Program, 22505–22506
Low Income Levels Used for Various Health Professions and Nursing Programs, 22506–22507
Meetings:
Advisory Committee on Organ Transplantation, 22507

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

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

Housing and Urban Development Department
NOTICES
Funding Awards:
Fair Housing Initiatives Program Fiscal Year 2013, 22523–22528

Industry and Security Bureau
NOTICES
Meetings:
Materials Processing Equipment Technical Advisory Committee, 22477
Materials Technical Advisory Committee, 22477–22478

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Reclamation Bureau

Internal Revenue Service
RULES
Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons, Information Reporting and Backup Withholding on Payments Made to Certain U.S. Persons, etc.:
Corrections, 22378–22381

International Trade Administration
RULES
Non-Application of Previously Withdrawn Regulatory Provisions Governing Targeted Dumping in Antidumping Duty Investigations, 22371–22378
NOTICES
Antidumping Duty Administrative Reviews; Results, Extensions, Amendments, etc.:
Circular Welded Non-Alloy Steel Pipe from the Republic of Korea, 22478–22479

International Trade Commission
NOTICES
Antidumping and Countervailing Duty Investigations; Results, Extensions, Amendments, etc.:
Small Diameter Graphite Electrodes from China; Expedited Five-Year Review, 22531
Investigations; Terminations, Modifications and Rulings, etc.:
Economic Effect of Providing Duty-Free Treatment for Imports, 22531–22532
U.S. Environmental Goods Trade, 22532–22533

Justice Department
See Federal Bureau of Investigation
NOTICES
Meetings:
National Commission on Forensic Science, 22533–22534

Labor Department
See Occupational Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Ethylene Oxide Standard, 22534–22535

Land Management Bureau
NOTICES
Records of Decisions:
San Diego Gas & Electric Ocotillo Sol Solar Project and California Desert Conservation Area Plan Amendment, Imperial County, CA, 22529–22530

National Aeronautics and Space Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22553–22555

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Social Security Administration – National Institutes of Health Collaboration to Improve the Disability Determination Process, etc., 22507–22508
Meetings:
Center for Scientific Review, 22509
National Cancer Institute, 22510–22511
National Human Genome Research Institute, 22510
National Institute of Dental and Craniofacial Research, 22509–22510
National Institute of Environmental Health Sciences, 22509
National Institute of Mental Health, 22508–22509

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Northeastern United States:
Northeast Groundfish Fishery; Fishing Year 2014; Recreational Management Measures, 22419–22421
Northeast Groundfish Fishery; Framework Adjustment 51, 22421–22449
Fisheries Off West Coast States:
Coastal Pelagic Species Fisheries; Annual Specifications, 22449–22453
NOTICES
Applications:
Endangered Species; File No. 18526, 22479

National Telecommunications and Information Administration

NOTICES
Meetings:
First Responder Network Authority Finance Committee, 22479–22480

Nuclear Regulatory Commission
PROPOSED RULES
Performance-Based Emergency Core Cooling Systems:
Cladding Acceptance Criteria, 22456–22457
NOTICES
Atomic Safety and Licensing Board; Establishment:
Aerotest Operations, Inc., Aerotest Radiography and Research Reactor, 22555
Meetings:
Advisory Committee on Reactor Safeguards, Subcommittee on Digital I and C, 22555
Advisory Committee on Reactor Safeguards, Subcommittee on Planning and Procedures, 22556
Advisory Committee on Reactor Safeguards, Subcommittee on Plant License Renewal, 22556–22557
Advisory Committee on Reactor Safeguards, Subcommittee on Radiation Protection and Nuclear Materials, 22556

Occupational Safety and Health Administration
NOTICES
Nationally Recognized Testing Laboratories:
Curtis–Straus LLC, 22535–22547

NSF International, 22547–22548
Underwriters Laboratories Inc., 22548–22550
Revocations of Permanent Variances Granted for Chimney Construction, 22550–22553

Public Debt Bureau
See Fiscal Service

Reclamation Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Proposed North Valley Regional Recycled Water Program; Scoping Meeting, 22530–22531

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 22557
Self-Regulatory Organizations; Proposed Rule Changes:
BOX Options Exchange LLC, 22561–22563
Chicago Stock Exchange, Inc., 22557–22558
NASDAQ OMX BX, Inc., 22565–22568
NYSE MKT LLC, 22558–22561, 22563–22565

Small Business Administration
NOTICES
Small Business Investment Company Program:
Model Form of Agreement of Limited Partnership for Company Issuing Debentures Only, 22568–22569

Social Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22569–22570

State Department
NOTICES
Certifications Pursuant to Public Law; Correction, 22570
Culturally Significant Objects Imported for Exhibition:
Turner and the Sea, 22570–22571
Requests for Expert Reviewers:
Intergovernmental Panel on Climate Change Second Order Draft Synthesis Report; Fifth Assessment, 22571

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See Federal Railroad Administration

Treasury Department
See Financial Crimes Enforcement Network
See Fiscal Service
See Foreign Assets Control Office
See Internal Revenue Service
NOTICES
Meetings:
Debt Management Advisory Committee, 22583–22584

U.S. Customs and Border Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application to Pay Off or Discharge an Alien Crewman, 22521
Bonded Warehouse Regulations, 22520–22521
Declaration of Person Who Performed Repairs, 22519
Entry Summary, 22519–22520
Quarterly IRS Interest Rates Used In Calculating Interest:
Overdue Accounts and Refunds On Customs Duties, 22521–22523

Veterans Affairs Department
NOTICES
Meetings:
Advisory Committee on Former Prisoners of War, 22587

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

5 CFR

Proposed Rules:

1630 22454
1631 22454

7 CFR

945 22357
985 22359

10 CFR

Proposed Rules:

50 22456
52 22456

14 CFR

39 (4 documents) 22362, 22364, 22367, 22369

Proposed Rules:

71 (2 documents) 22457, 22458

19 CFR

351 22371

26 CFR

1 22378

33 CFR

100 22381
117 (6 documents) 22395, 22396, 22397, 22398
165 (3 documents) 22398, 22413, 22415

Proposed Rules:

165 (3 documents) 22459, 22462, 22465

40 CFR

52 22415
81 22415
180 22418

49 CFR

Proposed Rules:

382 22467

50 CFR

648 (2 documents) 22419, 22421
660 22449
697 22421

Rules and Regulations

Federal Register
Vol. 79, No. 77
Tuesday, April 22, 2014

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

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 945

[Doc. No. AMS–FV–13–0093; FV14–945–1 FR]

Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule decreases the assessment rate established for the Idaho-Eastern Oregon Potato Committee (Committee) for the 2014–2015 and subsequent fiscal periods from $0.0045 to $0.0025 per hundredweight of potatoes handled. The Committee locally administers the marketing order which regulates the handling of potatoes grown in certain designated counties in Idaho, and Malheur County, Oregon. Assessments upon potato handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period begins August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective August 1, 2014.

FOR FURTHER INFORMATION CONTACT: Sue Coleman, Marketing Specialist, or Gary D. Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *Sue.Coleman@ams.usda.gov* or *GaryD.Olson@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR part 945), regulating the handling of Irish potatoes grown in certain designated counties in Idaho, and Malheur County, Oregon, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Idaho-Eastern Oregon potato handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes beginning August 1, 2014, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Committee for the 2014–2015 and subsequent fiscal periods from $0.0045 to $0.0025 per hundredweight of potatoes handled.

The Idaho-Eastern Oregon potato marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Idaho-Eastern Oregon potatoes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2013–2014 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on November 21, 2013, to consider the Committee's projected 2014–2015 budget, the size of the Committee's operating reserve, and the order's continuing assessment rate. The Committee unanimously recommended an assessment rate of $0.0025 per hundredweight of potatoes for the 2014–2015 fiscal period. The assessment rate of $0.0025 is $0.002 lower than the rate currently in effect. The assessment rate decrease is necessary to reduce the funds held in reserve to less than approximately one fiscal period's budgeted expenses, the maximum level allowed by the order.

The Committee expects to recommend budgeted expenditures of $112,883 for the 2014–2015 fiscal period at its next scheduled meeting in June of 2014. In comparison, 2013–2014 budgeted expenditures were $101,662. The major expenditures projected by the Committee for the 2014–2015 fiscal period include $62,743 for administrative expenses, $35,140 for travel/office expenses, and $15,000 for a marketing order contingency fund. Budgeted expenses for these items in 2013–2014 were $62,022, $35,640, and $4,000, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected

shipments of Idaho-Eastern Oregon potatoes. Potato shipments for 2014–2015 are estimated at 32 million hundredweight, which should provide $80,000 in assessment income. Income derived from handler assessments, along with reimbursed expenses, interest earned, and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses. Funds in the reserve (projected to be $168,084 on July 31, 2014) will be reduced to comply with the maximum permitted by the order of approximately one fiscal period's expenses.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2014–2015 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 450 producers of potatoes in the production area and approximately 32 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,000,000.

During the 2012–2013 fiscal period, the most recent for which statistics are available, 35,148,900 hundredweight of Idaho-Eastern Oregon potatoes were inspected under the order and sold into the fresh market. Based on information provided by the National Agricultural Statistics Service, the average producer price for the 2012 Idaho potato crop was $6.55 per hundredweight. Multiplying $6.55 by the shipment quantity of 35,148,900 hundredweight yields an annual crop revenue estimate of $230,225,295. The average annual fresh potato revenue for each of the 450 producers is therefore calculated to be $511,612 ($230,225,295 divided by 450), which is less than the Small Business Administration threshold of $750,000. Consequently, on average, most all of the Idaho-Eastern Oregon potato producers may be classified as small entities.

In addition, based on information reported by USDA's Market News Service, the average f.o.b. shipping point price for the 2012 Idaho potato crop was $5.87 per hundredweight. Multiplying $5.87 by the shipment quantity of 35,148,900 hundredweight yields an annual crop revenue estimate of $206,324,043. The average annual fresh potato revenue for each of the 32 handlers is therefore calculated to be $6,447,626 ($206,324,043 divided by 32), which is less than the Small Business Administration threshold of $7,000,000. Consequently, on average, most all of the Idaho-Eastern Oregon potato handlers may be classified as small entities.

This rule decreases the assessment rate established for the Committee and collected from handlers for the 2014–2015 and subsequent fiscal periods from $0.0045 to $0.0025 per hundredweight of potatoes handled. The Committee unanimously recommended an assessment rate of $0.0025 per hundredweight of potatoes for the 2014–2015 fiscal period. The assessment rate of $0.0025 is $0.002 lower than the 2013–2014 rate. The quantity of assessable potatoes for the 2014–2015 fiscal period is estimated at 32 million hundredweight. Thus, the $0.0025 rate should provide $80,000 in assessment income. Income derived from handler assessments, along with reimbursed expenses, interest earned, and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses.

The Committee expects to recommend $112,883 in budgeted expenditures for the 2014–2015 fiscal period at its next scheduled meeting in June of 2014. In comparison, 2013–2014 budgeted expenditures were $101,662. The major expenditures projected by the Committee for the 2014–2015 year include $62,743 for administrative expenses, $35,140 for travel/office expenses, and $15,000 for the marketing order contingency fund. Budgeted expenses for these items in 2013–2014 were $62,022, $35,640, and $4,000, respectively.

The lower assessment rate is necessary to reduce the reserve balance to less than approximately one fiscal period's budgeted expenses. The reserve balance on July 31, 2014, is projected to be $168,084. Assessment income for the 2014–2015 fiscal period is estimated at $80,000, while expenses are estimated at $112,883. The Committee anticipates compensating for the reduced assessment revenue with $4,300 from reimbursed expenses, $100 from interest income, and $28,483 from its reserve fund. The reserve fund is projected to exceed the maximum authorized level by $26,718 at the end of the 2014–2015 fiscal period. However, it was noted that it is possible that the Committee may receive less assessments than estimated, as well as incur unanticipated expenses. In addition, the Committee expects to draw funds from the reserve in subsequent fiscal periods that would further reduce the balance.

The Committee discussed alternatives to this action, including other assessment rate levels and leaving the current rate in place. Prior to arriving at this assessment rate recommendation, the Committee considered information from the Board's Executive Committee on the cost savings that have resulted from recent administrative changes in the Committee office and the level of anticipated Committee expenses moving forward. The Committee debated between an assessment rate of $0.003 and $0.0025 per hundredweight of potatoes. Based on the market and shipping quantities, the Committee recommended the rate of $0.0025 per hundredweight. The Committee believes assessment income combined with funds from reimbursed expenses, interest income, and funds from the Committee's financial reserve would provide sufficient funds to meet its expenses.

A review of historical information and preliminary information pertaining to the upcoming fiscal period indicates that the producer price for the 2014–

2015 crop could range between $6.55 and $8.10 per hundredweight of potatoes. Therefore, the estimated assessment revenue for the 2014–2015 fiscal period as a percentage of total producer revenue could range between 0.03 and 0.04 percent.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. As such, the decreased assessment rate will reduce the burden on handlers and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the Idaho-Eastern Oregon potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the November 21, 2013, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178 (Generic Vegetable and Specialty Crops). No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule imposes no additional reporting or recordkeeping requirements on either small or large Idaho-Eastern Oregon potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. As noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

A proposed rule concerning this action was published in the **Federal Register** on February 25, 2014 (79 FR 10423). Copies of the proposed rule were distributed to all Idaho-Eastern Oregon potato handlers, Committee members, and media. Finally, the proposal was made available through the internet by USDA and the Office of the **Federal Register**. A 30-day comment period ending March 27, 2014, was provided for interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 945

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 945 is amended as follows:

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

■ 1. The authority citation for 7 CFR part 945 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 945.249 is revised to read as follows:

§ 945.249 Assessment rate.

On and after August 1, 2014, an assessment rate of $0.0025 per hundredweight is established for Idaho-Eastern Oregon potatoes.

Dated: April 16, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–09093 Filed 4–21–14; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Doc. No. AMS–FV–14–0027; FV14–985–3 IR]

Spearmint Oil Produced in the Far West; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule decreases the assessment rate established for the Spearmint Oil Administrative Committee (Committee), for the 2014–15 and subsequent marketing years from $0.10 to $0.09 per pound of spearmint oil handled. The Committee locally administers the marketing order which regulates the handling of spearmint oil produced in the Far West. Assessments upon spearmint oil handlers are used by the Committee to fund reasonable and necessary expenses of the program. The marketing year begins June 1 and ends May 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

Effective April 23, 2014. Comments received by June 23, 2014, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Manuel Michel, Marketing Specialist, or Gary D. Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *Manuel.Michel@ams.usda.gov* or *GaryD.Olson@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 985 (7 CFR part 985), as amended, regulating the handling of spearmint oil grown in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the order now in effect, Far West spearmint oil handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate, as issued herein, will be applicable to all assessable spearmint oil beginning June 1, 2014, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Committee for the 2014–15 and subsequent marketing years from $0.10 to $0.09 per pound of spearmint oil handled.

The Far West spearmint oil marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers of Far West spearmint oil. They are familiar with the Committee's needs and with the costs for goods and services in their local area and thus are in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. All persons directly affected have an opportunity to participate and provide input.

For the 2003–04 and subsequent marketing years, the Committee recommended and USDA approved, an assessment rate that would continue in effect from marketing year to marketing year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on February 19, 2014, and unanimously recommended 2014–15 expenditures of $266,400 and an assessment rate of $0.09 per pound of spearmint oil handled. In comparison, last year's budgeted expenditures were $220,970. The assessment rate of $0.09 is $0.01 lower than the rate currently in effect. The assessment rate decrease is necessary to reduce the funds held in the operating reserve in order to not exceed approximately one marketing year's operational expenses (§ 985.42(a)).

The major expenditures recommended by the Committee for the 2014–15 marketing year include $25,500 for Committee expenses; $195,900 for administrative expenses; and $45,000 for market research and promotion expenses. Budgeted expenses for these items in 2013–14 were $21,500 for Committee expenses; $190,470 for administrative expenses; and $9,000 for market research and promotion expenses.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by the expected quantity of Far West spearmint oil handled. The Committee estimates that 2,500,000 pounds of spearmint oil will be handled, which should provide $225,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized operating reserve will be adequate to cover budgeted expenses. Funds in the operating reserve (currently $321,689) will be reduced to comply with the maximum permitted by the order of approximately one marketing year's operational expenses.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each marketing year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2014–15 budget and those for subsequent marketing years will be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are eight spearmint oil handlers subject to regulation under the order, and approximately 39 producers of Scotch spearmint oil and approximately 91 producers of Native spearmint oil in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

Based on the SBA's definition of small entities, the Committee estimates that two of the eight handlers regulated by the order could be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 22 of the 39 Scotch spearmint oil producers, and 29 of the 91 Native spearmint oil producers could be classified as small entities under the SBA definition. Thus, a majority of handlers and producers of Far West

spearmint oil may not be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of spearmint oil. A typical spearmint oil-producing operation has enough acreage for rotation such that the total acreage required to produce the crop is about one-third spearmint and two-thirds rotational crops. Thus, the typical spearmint oil producer has to have considerably more acreage than is planted to spearmint during any given season. Crop rotation is an essential cultural practice in the production of spearmint oil for purposes of weed, insect, and disease control. To remain economically viable with the added costs associated with spearmint oil production, a majority of spearmint oil-producing farms fall into the SBA category of large businesses.

This rule decreases the assessment rate established for the Committee and collected from handlers for the 2014–15 and subsequent marketing years from $0.10 to $0.09 per pound of spearmint oil handled. The Committee unanimously recommended 2014–15 expenditures of $266,400 and an assessment rate of $0.09. The assessment rate of $0.09 is $0.01 lower than the 2013–14 rate. The quantity of assessable spearmint oil for the 2014–15 marketing year is estimated at 2,500,000 pounds. Thus, the $0.09 rate should provide $225,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized operating reserve will be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2014–15 marketing year include $25,500 for Committee expenses, $195,900 for administrative expenses, and $45,000 for market research and promotion expenses. Budgeted expenses for these items in 2013–14 were $21,500, $190,470, and $9,000, respectively.

The lower assessment rate is necessary to reduce the operating reserve balance and not exceed approximately one marketing year's expenses as provided for in § 985.42. The operating reserve balance is expected to be $321,689 on May 31, 2014. This amount exceeds the maximum authorized reserve amount of $266,400 by $55,289. Assessment income for 2014–15 is estimated at $225,000, while expenses are estimated at $266,400. The Committee anticipates using $41,400 of their operating reserve fund for the 2014–15 marketing year.

The Committee discussed alternatives to this action. Leaving the assessment rate at the current $0.10 per pound was initially considered, but not recommended, because the Committee would like to decrease the level of the operating reserve so that it is not more than approximately one marketing year's expenses. Lower assessment rates were considered, but also not recommended, because they would not generate the amount of income necessary to administer the program. The Committee ultimately determined that an assessment rate of $0.09 per pound, which should generate assessment income of $225,000, combined with operating reserve funds, would be sufficient to meet its 2014–15 expenses.

A review of historical data and preliminary information pertaining to the upcoming marketing year indicates that the producer price for the 2014–15 season could range between $17.00 and $19.00 per pound of spearmint oil. Therefore, the estimated assessment revenue for the 2014–15 marketing year as a percentage of total grower revenue could range between 0.47 and 0.53 percent.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the Far West spearmint oil industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the February 19, 2014, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This action imposes no additional reporting or recordkeeping requirements on either small or large Far West spearmint oil handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2014–15 marketing year begins on June 1, 2014, and the marketing order requires that the rate of assessment for each marketing year apply to all assessable spearmint oil handled during such marketing year; (2) this action decreases the assessment rate for assessable spearmint oil beginning with the 2014–15 marketing year; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting; and (4) this interim rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

■ 1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 985.141 is revised to read as follows:

§ 985.141 Assessment rate.

On and after June 1, 2014, an assessment rate of $0.09 per pound is established for Far West spearmint oil. Unexpended funds may be carried over as a reserve.

Dated: April 16, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–09091 Filed 4–21–14; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0041; Directorate Identifier 2013–CE–053–AD; Amendment 39–17824; AD 2014–07–10]

RIN 2120–AA64

Airworthiness Directives; Ballonbau Wörner GmbH Balloons

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Ballonbau Wörner GmbH Models NL–280/STU, NL–380/STU, NL–510/STU, NL–640/STU, NL–840/STU, and NL–1000/STU balloons. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as current inspection intervals are no longer adequate to ensure timely detection of deterioration or damage. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective May 27, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of May 27, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0041; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact Ballonbau Wörner GmbH, Zirbelstrasse 57c, D–86154 Augsburg, Germany; telephone: +49 821 4504060; fax: +49 821 419641; Internet: *www.ballonbau.de*. You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to adding an AD that would apply to Ballonbau Wörner GmbH Model NL–280/STU, NL–380/STU, NL–510/STU, NL–640/STU, NL–840/STU, and NL–1000/STU airplane. The NPRM was published in the **Federal Register** on January 31, 2014 (79 FR 5319). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

> The results of an analysis of NL–STU maintenance data revealed that the current inspection intervals are no longer adequate to ensure timely detection of deterioration or damage, which could affected the structural integrity of the balloon.
>
> This condition, if not detected and corrected, could lead to failure of balloon components or envelope, possibly resulting in loss of the balloon.
>
> To address this potential unsafe condition, Ballonbau Wörner developed new, more detailed and descriptive Instructions for Continued Airworthiness (at the same time separated from the Flight Manual) and issued Technische Mitteilung/Technical Note EASA.BA.009–6 to inform all operators.
>
> For the reasons described above, EASA issued AD 2013–0293 to require compliance with the updated Instructions for Continued Airworthiness. This AD is revised to extend the compliance time for the initial porosity test, for balloons which have already exceeded the relevant threshold.

The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0041-0002*.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 5319, January 31, 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 the AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 5319, January 31, 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 5319, January 31, 2014).

Costs of Compliance

We estimate that this AD will affect 6 products of U.S. registry. The scope of the inspections may vary depending on the condition of the balloon. We have no way of knowing how extensive an inspection may be necessary for each balloon. The scope of damage found in the inspections could vary significantly from balloon to balloon. We have no way of determining how much damage may be found on each balloon or the cost to repair damaged parts on each balloon or the number of balloons that may require 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 this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0041; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–07–10 Ballonbau Wöorner GmbH: Amendment 39–17824; Docket No. FAA–2014–0041; Directorate Identifier 2013–CE–053–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective May 27, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Ballonbau Wörner GmbH Model NL–280/STU, NL–380/STU, NL–510/STU, NL–640/STU, NL–840/STU, and NL–1000/STU balloons, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 5: Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as current inspection intervals are no longer adequate to ensure timely detection of deterioration or damage. If this condition is uncorrected, it could result in reduced structural integrity of the balloon.

(f) Actions and Compliance

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

(1) Before further flight after May 27, 2014 (the effective date of this AD), complete all inspections and maintenance tasks described in the Chapter 5, Annual Inspection, in the Ballonbau Wörner GmbH Instructions for Continued Airworthiness, Gas Balloon Model NL–STU, Issue 1, pages 44 through 53 and 55 through 69, dated November 2013, and page 54 dated December 2013.

(2) If any discrepancies are found during the inspection required in paragraph (f)(1) of this AD, before further flight, repair as applicable following Chapter 6, Standard Repair Procedures, in the Ballonbau Wörner GmbH Instructions for Continued Airworthiness, Gas Balloon Model NL–STU, Issue 1, dated November 2013.

(3) If on May 27, 2014 (the effective date of this AD), a balloon has already exceeded the threshold compliance time for the porosity test as defined in Sections 5.1.1.4, 5.1.2.4 and 5.1.3.4 of Chapter 5 in Ballonbau Wörner GmbH Instructions for Continued Airworthiness, Gas Balloon Model NL–STU, Issue 1, pages 44 through 53 and 55 through 69, dated November 2013, and page 54 dated December 2013, within 3 months after May 27, 2014 (the effective date of this AD), conduct the porosity test following Sections 5.1.1.4, 5.1.2.4 and 5.1.3.4 of Chapter 5 in Ballonbau Wörner GmbH Instructions for Continued Airworthiness, Gas Balloon Model NL–STU, Issue 1, pages 44 through 53 and 55 through 69, dated November 2013, and page 54 dated December 2013.

(4) After May 27, 2014 (the effective date of this AD), do all inspections and necessary repairs following Technische Mitteilung (English translation: Technical Note) Ballonbau Wörner GmbH EASA.BA.009–6, dated November 7, 2013; and Ballonbau Wörner GmbH Instructions for Continued Airworthiness, Gas Balloon Model NL–STU, Issue 1, pages 1 through 6, 8 through 16, 18, 20 through 34, 36 through 40, 42 through 53, and 55 through 82, dated November 2013; and pages 7, 17, 19, 35, 41, and 54, dated December 2013.

Note 1 to paragraph (f) of this AD: Pilots may only accomplish preventative maintenance limited to those items identified in 14 CFR Part 43, Appendix A.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2013–0293R1, dated December 17, 2013, for related information. You may examine the MCAI on the Internet at: *http://www.regulations.gov/#!document Detail;D=FAA-2014-0041-0002*.

(i) Material Incorporated by Reference

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

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

(i) Technische Mitteilung (English translation: Technical Note) Ballonbau Wörner GmbH EASA.BA.009–6, dated November 7, 2013.

(ii) Ballonbau Wörner GmbH Instructions for Continued Airworthiness, Gas Balloon Model NL–STU, Issue 1, pages 1 through 6, 8 through 16, 18, 20 through 34, 36 through 40, 42 through 53, and 55 through 82, dated November 2013; and pages 7, 17, 19, 35, 41, and 54, dated December 2013.

(3) For Ballonbau Wörner GmbH service information identified in this AD, contact Ballonbau Wörner GmbH, Zirbelstrasse 57c, D–86154 Augsburg, Germany; telephone: +49

821 4504060; fax: +49 821 419641; Internet: *www.ballonbau.de.*

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

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

Issued in Kansas City, Missouri, on April 4, 2014.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–08072 Filed 4–21–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–1072; Directorate Identifier 2012–NM–164–AD; Amendment 39–17828; AD 2014–08–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2012–03–04 for certain Airbus Model A310 series airplanes. AD 2012–03–04 required for certain airplanes, modifying the wire routing and installing additional protective sleeves. This new AD continues to require the actions in AD 2012–03–04, and requires additional work for certain airplanes. This AD was prompted by reports of new interferences of newly routed wire bundle 2S. We are issuing this AD to prevent short circuits leading to arcing, and possible fuel tank explosion.

DATES: This AD becomes effective May 27, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 27, 2014.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of May 15, 2012 (77 FR 21397, April 10, 2012).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-1072;* 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 to supersede AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012). AD 2012–03–04 applied to certain Airbus Model A310 series airplanes. The NPRM published in the **Federal Register** on January 14, 2014 (79 FR 2391).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0188, dated September 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:

> Within the scope of the Fuel System Safety Program (FSSP), analyses of the wire routing showed that the route 2S of the fuel electrical circuit in the Right Hand (RH) wing ensures insufficient segregation between fuel quantity indication wires and the 115 Volts Alternating Current (VAC) wires of route 2S which could, under certain conditions, lead to a short circuit and subsequent arcing, creating a potential ignition source in the fuel tank vapour space.
>
> This condition, if not detected, could result in a fuel tank explosion and consequent loss of the aeroplane.
>
> To address this potential unsafe condition, DGAC France issued [an] AD *** to require improvements of the design as specified in Airbus Service Bulletin (SB) A310–28–2148 original issue or Revision 01. EASA AD 2007–0230 [(*http://ad.easa.europa.eu/blob/easa_ad_2007_0230_Superseded.pdf/AD_2007-0230_1*)], which superseded [a] DGAC France AD ***, [which] required those same actions, plus additional work 1, as defined in Airbus SB A310–28–2148 Revision 02.
>
> Since EASA AD 2007–0230 was issued, an operator reported the possibility of chafing between the new routing of the wire bundle 2S in the RH wing pylon area and the wire bundle of No.2 engine generator. The modification of this zone was introduced by Airbus SB A310–28–2148 Revision 02 as additional work 1. Investigation results showed that, to avoid the risk of chafing, the affected wiring harnesses must be installed at a higher position to provide sufficient clearance with the newly routed wire bundle 2S conduit.
>
> Airbus published Revision 03 of SB A310–28–2148 to implement these changes as additional work 2. Subsequently, a new potential interference due to insufficient clearance was found, which prompted Airbus to issue SB A310–28–2148 Revision 04.
>
> Prompted by these findings and actions, EASA issued AD 2011–0005 [(*http://ad.easa.europa.eu/blob/easa_ad_2011_0005_Superseded.pdf/AD_2011-0005_1*)], retaining the requirements of EASA AD 2007–0230, which was superseded, and required the additional work 2 as specified in Revisions 03 and 04 of Airbus SB A310–28–2148.
>
> Since EASA AD 2011–0005 was issued, several operators of aeroplanes not having been modified in-service through Airbus SB A310–36–2015, or without having Airbus modification 07633 applied in production, reported to have embodied Airbus SB A310–28–2148 at Revision 02 or Revision 03 on the aeroplane. However, the adequate instructions to avoid the new interferences were only introduced in Airbus SB A310–28–2148 Revision 04.
>
> For the reasons described above, this new [EASA] AD retains the requirements of EASA AD 2011–0005, which is superseded, and requires, for certain aeroplanes, the additional work 3 [segregating wire route 2S in the RH pylon area or modifying the wire routings] as defined in Airbus SB A310–28–2148 Revision 06. As SB A310–28–2148 Revision 07 was issued to clarify the additional work 1, 2 and 3 [segregating wire route 2S in the RH pylon area or modifying the wire routings] for aeroplanes that have previously embodied that SB at original issue, Revision 01 or Revision 02, this AD also clarifies the required additional work.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-1072-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 2391, January 14, 2014) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 2391, January 14, 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 2391, January 14, 2014).

Costs of Compliance

We estimate that this AD affects 41 airplanes of U.S. registry.

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification [retained actions from AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012)].	62 work-hours × $85 per hour = $5,270	$2,210	$7,480	$306,680
Modification (additional work) [new action]	32 work-hours × $85 per hour = $2,720	1,100	3,820	156,620

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-2013-1072;* 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 removing Airworthiness Directive (AD) 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012), and adding the following new AD:

2014–08–04 Airbus: Amendment 39–17828. Docket No. FAA–2013–1072; Directorate Identifier 2012–NM–164–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective May 27, 2014.

(b) Affected ADs

This AD supersedes AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012).

(c) Applicability

This AD applies to Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes, certificated in any category, all certified models, all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by reports of new interferences of newly routed wire bundle 2S. We are issuing this AD to prevent short circuits leading to arcing, and possible fuel tank explosion.

(f) Compliance

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

(g) Retained Modification of Routing Wires With Revised Service Information

This paragraph restates the modification required by paragraph (g) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012), with revised service information. For all airplanes except airplanes on which Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007, has been done (Airbus Modifications 12427 and 12435): Within 4,000 flight hours after September 3, 2004 (the effective date of AD 2004–15–16, Amendment 39–13750 (69 FR 45578, July 30, 2004)), modify the routing of wires in the right-hand (RH) wing by installing cable sleeves. Do the modification as per the Accomplishment Instructions of the service information specified in paragraph (g)(1), (g)(2), (g)(3), (g)(4), or (g)(5) of this AD. As of February 20, 2008 (the effective date of AD 2008–01–05, Amendment 39–15330 (73 FR 2795, January 16, 2008)), only the service information specified in paragraphs (g)(2), (g)(3), (g)(4), and (g)(5) of this AD may be used. As of May 15, 2012 (the effective date of AD 2012–03–04), only the service information specified in paragraphs (g)(3), (g)(4), and (g)(5) of this AD may be used. As of the effective date of this

AD, only the service bulletin specified in paragraph (g)(5) of this AD may be used.

(1) Airbus Service Bulletin A310–28–2148, Revision 01, dated October 29, 2002.

(2) Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007.

(3) Airbus Mandatory Service Bulletin A310–28–2148, Revision 05, dated August 3, 2010.

(4) Airbus Mandatory Service Bulletin A310–28–2148, Revision 06, dated August 31, 2011.

(5) Airbus Mandatory Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(h) Retained Modification of Protection Sleeves With Revised Service Information

This paragraph restates the modification required by paragraph (i) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012), with revised service information. For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, dated January 23, 2002; or Airbus Service Bulletin A310–28–2148, Revision 01, dated October 29, 2002; have been done before February 20, 2008 (the effective date of AD 2008–01–05, Amendment 39–15330 (73 FR 2795, January 16, 2008)), except for airplanes on which Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007, has been done (Airbus Modifications 12427 and 12435): Within 6,000 flight hours or 30 months after February 20, 2008 (the effective date of AD 2008–01–05), whichever occurs first, perform further modification by installing additional protection sleeves in the outer wing area near the cadensicon sensor and segregating wire route 2S in the RH pylon area, in accordance with the Accomplishment Instructions of service information specified in paragraph (h)(1), (h)(2), (h)(3), or (h)(4) of this AD. As of May 15, 2012 (the effective date of AD 2012–03–04), only the service information specified in paragraphs (h)(2), (h)(3), and (h)(4) of this AD may be used. As of the effective date of this AD, only the service bulletin specified in paragraph (h)(4) of this AD may be used.

(1) Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007.

(2) Airbus Mandatory Service Bulletin A310–28–2148, Revision 05, dated August 3, 2010.

(3) Airbus Mandatory Service Bulletin A310–28–2148, Revision 06, dated August 31, 2011.

(4) Airbus Mandatory Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(i) Retained New Modification/Installation of Wire Routings for Certain Airplanes With Revised Service Information

This paragraph restates the new modification/installation required by paragraph (j) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012), with revised service information. For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007, have been accomplished, and do not have production modification 07633; and on which Airbus Service Bulletin A310–36–2015 has not been done: Within 6,000 flight hours or 30 months after May 15, 2012 (the effective date of AD 2012–03–04), whichever occurs first, modify the wire routings, in accordance with the Accomplishment Instructions of the service information specified in paragraph (i)(1), (i)(2), or (i)(3) of this AD. As of the effective date of this AD, only the service bulletin specified in paragraph (i)(3) of this AD may be used.

(1) Airbus Mandatory Service Bulletin A310–28–2148, Revision 05, dated August 3, 2010.

(2) Airbus Mandatory Service Bulletin A310–28–2148, Revision 06, dated August 31, 2011.

(3) Airbus Mandatory Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(j) Retained New Modification/Installation of Bracket for Certain Other Airplanes With Revised Service Information

This paragraph restates the new modification/installation required by paragraph (k) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012), with revised service information. For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007, have been accomplished, and have production modification 07633; or on which Airbus Service Bulletin A310–36–2015 has been done: Within 1,000 flight hours after May 15, 2012 (the effective date of AD 2012–03–04), install a modified bracket, in accordance with paragraph 3.B.(7), ''Additional Work 2,'' of the Accomplishment Instructions of the service information specified in paragraph (j)(1), (j)(2), or (j)(3) of this AD. As of the effective date of this AD, only the service bulletin specified in paragraph (j)(3) of this AD may be used.

(1) Airbus Mandatory Service Bulletin A310–28–2148, Revision 05, dated August 3, 2010.

(2) Airbus Mandatory Service Bulletin A310–28–2148, Revision 06, dated August 31, 2011.

(3) Airbus Mandatory Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(k) Retained Modification/Installation Provision for Certain Airplanes

This paragraph restates the modification/installation provision specified in paragraph (l) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012). For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, Revision 03, dated June 2, 2009, have been accomplished; and have modification 07633 done in production; or on which the actions specified in Airbus Service Bulletin A310–36–2015 have been done; no further action is required by paragraphs (g) through (j) of this AD.

(l) Retained Credit for Previous Actions

(1) This paragraph restates the credit for previous actions required by paragraph (h) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012). This paragraph provides credit for the modification of the routing of wires required by paragraph (g) of AD 2012–03–04, if the modification was performed before September 3, 2004 (the effective date of AD 2004–15–16, Amendment 39–13750 (69 FR 45578, July 30, 2004)), using Airbus Service Bulletin A310–28–2148, dated January 23, 2002.

(2) This paragraph restates the credit for previous actions required by paragraph (m) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012). This paragraph provides credit for modifications required by paragraphs (g), (i), (j), and (k) of AD 2012–03–04, if the modifications were performed before May 15, 2012 (the effective date of AD 2012–03–04), using Airbus Mandatory Service Bulletin A310–28–2148, Revision 04, dated April 14, 2010.

(m) New Requirement of This AD: Additional Work 2 and 3

For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007, have been accomplished, and on which the actions specified in Airbus Service Bulletin A310–36–2015 have not been done; or have Airbus Modification 07633 done in production: Within 1,000 flight hours or 12 months after the effective date of this AD, whichever occurs first, do the modification, in accordance with paragraphs ''Additional Work 2'' and ''Additional Work 3'' of the Accomplishment Instructions of Airbus Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(n) New Requirement of This AD: Additional Work 3

For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, Revision 03, dated June 2, 2009, have been accomplished, and do not have production modification 07633 or Airbus Service Bulletin A310–36–2015 has not been done: Within 1,000 flight hours or 12 months after the effective date of this AD, whichever occurs first, do the modification, in accordance with paragraph ''Additional Work 3'' of the Accomplishment Instructions of Airbus Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(o) New Requirement of This AD: Additional Work 1 and 2

For airplanes on which the actions specified in Airbus Service Bulletin A310–36–2015 have not been accomplished and production modification 07633 has not been done, and that have done the actions specified in paragraphs (o)(1) and (o)(2) of this AD: Within 6,000 flight hours or 30 months after the effective date of this AD, whichever occurs first, do the modification, in accordance with paragraphs ''Additional Work 1'' and ''Additional Work 2'' of the Accomplishment Instructions of Airbus Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(1) Modification in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–28–2148, dated January 23, 2002; or Airbus Service Bulletin A310–28–2148, Revision 01, dated October 29, 2002.

(2) Further modification by ''Additional Work 3'' of the Accomplishment Instructions of Airbus Service Bulletin A310–28–2148, Revision 06, dated August 31, 2011.

(p) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2012–0188, dated September 19, 2012, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-1072-0002.*

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

(r) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on May 27, 2014.

(i) Airbus Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(ii) Reserved.

(4) The following service information was approved for IBR on May 15, 2012, (77 FR 21397, April 10, 2012).

(i) Airbus Mandatory Service Bulletin A310–28–2148, Revision 05, dated August 3, 2010.

(ii) Airbus Mandatory Service Bulletin A310–28–2148, Revision 06, dated August 31, 2011.

(5) 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.*

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

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

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

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–08597 Filed 4–21–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0042; Directorate Identifier 2013–CE–050–AD; Amendment 39–17823; AD 2014–07–09]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Regional Aircraft Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for British Aerospace Regional Aircraft Jetstream Series 3101 and Jetstream Model 3201 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as inadequate instructions for inspection for corrosion on the rudder upper hinge bracket and certain internal wing and drainage paths. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective May 27, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of May 27, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0042; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone: +44 1292 675207; fax: +44 1292 675704; email: *RApublications@baesystems.com;* Internet: *http://www.baesystems.com/Businesses/RegionalAircraft/.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to British Aerospace Regional Aircraft Jetstream Series 3101 and Jetstream Model 3201 airplanes. The NPRM was published in the **Federal Register** on January 31, 2014 (79 FR 5323). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

> Compliance with the inspections in the Corrosion Prevention and Control Programme (CPCP) has been identified as a mandatory action for continued airworthiness and UK CAA AD 003–04–94 was issued to require operators to comply with those inspection instructions.
>
> Since the issuance of that AD, reports have been received of finding extensive corrosion on the rudder upper hinge bracket. Although there is an existing zonal inspection of the area in the CPCP, it has been concluded that this is inadequate to identify the corrosion on this bracket and consequently, a new specific inspection of the rudder upper hinge bracket,

task 200/EX/01 C2, has been added to the CPCP, currently at Revision 6. Failure of the rudder upper hinge bracket could lead to the onset of flutter and loss of control of the aeroplane.

In addition, although the CPCP already included a wing internal inspection to check for corrosion and to verify that all drainage paths are clear, prompted by feedback from the fleet sampling programme, a new, more specific, inspection of wing stations 36, 51 and 83, together with a check of the drainage paths, has been introduced into the CPCP through task 3/400/IN/01 C2. Failure to comply with these instructions could result in an unsafe condition.

For the reasons described above, this AD retains the requirements of UK CAA AD 003–04–94, which is superseded, and requires the implementation of the new inspections.

The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0042-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 5323, January 31, 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 the AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 5323, January 31, 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 5323, January 31, 2014).

Costs of Compliance

We estimate that this AD will affect 66 products of U.S. registry. We also estimate that it would take about 100 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 the AD on U.S. operators to be $561,000, or $8,500 per product.

The scope of damage found in the required inspection could vary significantly from airplane to airplane. We have no way of determining how much damage may be found on each airplane or the cost to repair damaged parts on each airplane or the number of airplanes that may require 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 this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0042; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–07–09 British Aerospace Regional Aircraft: Amendment 39–17823; Docket No. FAA–2014–0042; Directorate Identifier 2013–CE–050–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective May 27, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to British Aerospace Regional Aircraft Jetstream Series 3101 and Model 3201 airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 5: Time Limits.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as inadequate instructions for inspection for corrosion on the rudder upper hinge bracket and certain internal wing stations and drainage paths. We are issuing this AD to prevent, detect, and correct corrosion on the rudder upper hinge bracket and internal wing, which could lead to reduced structural integrity of the airplane with consequent loss of control.

(f) Actions and Compliance

Comply with this AD within the compliance times specified in paragraphs (f)(1) through (f)(4) of this AD, including all subparagraphs, unless already done:

(1) After May 27, 2014 (the effective date of this AD), except as required by paragraph (f)(2) of this AD, within the thresholds and intervals specified, incorporate into the FAA-approved maintenance program BAE Systems (Operations) Limited Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme, Manual Ref. JS/CPCP/01, Revision 6, dated November 15, 2010, in its entirety.

(2) Within 2 years after May 27, 2014 (the effective date of this AD), do the initial inspections specified in tasks 200/EX/01 C2 and 3/400/IN/01 C2 in BAE Systems (Operations) Limited Jetstream Series 3100 &

3200 Corrosion Prevention and Control Programme, Manual Ref. JS/CPCP/01, Revision 6, dated November 15, 2010.

(3) If any discrepancy, particularly corrosion, is found during any inspections or tasks required by paragraphs (f)(1) and (f)(2) of this AD, within the compliance time specified, repair or replace, as applicable, all damaged structural parts and components and do the maintenance procedures for corrective action following BAE Systems (Operations) Limited Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme, Manual Ref. JS/CPCP/01, Revision 6, dated November 15, 2010. If no compliance time is defined, do the applicable corrective action before further flight.

(4) You may comply with the requirements of paragraphs (f)(1) and (f)(2) of this AD by incorporating BAE Systems (Operations) Limited Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme, Manual Ref. JS/CPCP/01, Revision 6, dated November 15, 2010, into your maintenance program (instructions for continued airworthiness) and complying with that program.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(h) Related Information

MCAI European Aviation Safety Agency (EASA) AD No.: 2012–0036, dated March 12, 2012, for related information. The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0042-0002.*

(i) Material Incorporated by Reference

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

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

(i) BAE Systems (Operations) Limited Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme, Manual Ref: JS/CPCP/01, Revision 6, dated November 15, 2010.

(ii) Reserved.

(3) For British Aerospace Regional Aircraft service information identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone: +44 1292 675207; fax: +44 1292 675704; email: *RApublications@baesystems.com;* Internet: *http://www.baesystems.com/Businesses/RegionalAircraft/.*

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

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

Issued in Kansas City, Missouri, on April 4, 2014.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–08142 Filed 4–21–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0018; Directorate Identifier 2013–CE–049–AD; Amendment 39–17822; AD 2014–07–08]

RIN 2120–AA64

Airworthiness Directives; Centrair Gliders

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Centrair Model 101, 101A, 101AP, and 101P gliders. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as structural damage to the fuselage. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective May 27, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of May 27, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0018; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact Société Nouvelle CENTRAIR, Aerodrome B.P. 44, F-36300 LeBlanc, France; telephone: +33(0)254370796, fax: +33(0)254374864, email: *contact@sncentrair.com;* Internet: none. You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Centrair Model 101, 101A, 101AP, and 101P airplanes. The NPRM was published in the **Federal Register** on January 15, 2014 (79 FR 2593). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

Occurrences of structural damage were reported on several Centrair 101 sailplane fuselage. The results of the subsequent investigations identified that these findings were accidental damage related and not identified in time during routine maintenance, due to inadequate maintenance instructions.

This condition, if not detected and corrected, could reduce the structural integrity of the sailplane.

To address this potential unsafe condition, Société Nouvelle (SN) Centrair issued Service Bulletin (SB) 101–06 to provide instructions for structural inspections and Direction Générale de l'Aviation Civile (DGAC) of France issued AD 85–21–(A) to mandate the fuselage inspections described in that SB.

Since that AD was issued, SN Centrair issued SB 101–06 at revision (rev.) 1 to provide improved instructions to identify accidental structural damages.

For the reasons described above, this AD retains the requirements of DGAC France AD 85–21–(A), which is superseded, but requires accomplishment of those fuselage structural inspections in accordance with improved instructions.

The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0018-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 2593, January 15, 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 the AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 2593, January 15, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Costs of Compliance

We estimate that this AD will affect 43 products of U.S. registry. We also estimate that it would take about 3 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 $10,965, or $255 per product.

Since there are currently no repair instructions available if discrepancies are found during the required inspections, we have no way of determining the number of products that may need follow-on actions or what the cost per product would be.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0018; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–07–08 Centrair: Amendment 39–17822; Docket No. FAA–2014–0018; Directorate Identifier 2013–CE–049–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective May 27, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to CENTRAIR Models 101, 101A, 101P, and 101AP gliders, all serial numbers, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as structural damage to the fuselage. We are issuing this AD to detect and correct structural damage not identified during routine maintenance inspections, which could lead to reduced structural integrity of the glider.

(f) Actions and Compliance

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

(1) Within 25 days after May 27, 2014 (the effective date of this AD) and repetitively thereafter at intervals not to exceed every 12 months, inspect all fuselage frames and ribs following the instructions in Société Nouvelle CENTRAIR Mandatory Service Bulletin 101–06, Revision 1, dated August 5, 2013.

(2) If structural damage is detected during any inspection required by paragraph (f)(1) of this AD, before further flight, contact Société Nouvelle CENTRAIR at the address specified in paragraph (i) of this AD to obtain FAA-approved repair instructions approved specifically for this AD, and before further flight, repair the glider using these repair instructions.

(3) Accomplishment of a repair, as required by paragraph (f)(2) of this AD, does not constitute terminating action for the inspection required by paragraph (f)(1) of this AD.

Note 1 to paragraph (f) of this AD: We recommend that you also inspect the fuselage frames and ribs after the occurrence of any of the following events following the instructions in Société Nouvelle CENTRAIR Mandatory Service Bulletin 101–06, Revision 1, dated August 5, 2013: Landing with retracted gear, landing gear retraction during landing run, ground looping during take-off or landing, hard landing, or damage of internal structure of the fuselage. If structural damage is detected during any of these inspections, we recommend you contact Société Nouvelle CENTRAIR at the address specified in paragraph (i) of this AD for FAA-approved repair instructions.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2013–0258, dated October 25, 2013, for related information. The MCAI can be found in the AD docket on the Internet at: *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0018-0002.*

(i) Material Incorporated by Reference

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

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

(i) Société Nouvelle CENTRAIR Mandatory Service Bulletin 101–06, Revision 1, dated August 5, 2013.

(ii) Reserved.

(3) For Centrair Gliders service information identified in this AD, contact Société Nouvelle CENTRAIR, Aerodrome B.P. 44, F–36300 LeBlanc, France; telephone: +33(0)254370796, fax: +33(0)254374864, email: *contact@sncentrair.com;* Internet: none.

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

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

Issued in Kansas City, Missouri, on April 4, 2014.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–08074 Filed 4–21–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 351

[Docket No. 130917809–4303–02]

RIN 0625–AA96

Non-Application of Previously Withdrawn Regulatory Provisions Governing Targeted Dumping in Antidumping Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: Enforcement and Compliance (formerly Import Administration), International Trade Administration, Department of Commerce (the Department), hereby publishes this Final Rule not to apply the previously withdrawn regulatory provisions governing targeted dumping in less-than-fair-value investigations. Following the Court of International Trade's decision in Gold East (Jiangsu) Paper Co. v. United States, 918 F. Supp. 2d 1317 (Ct. Int'l Trade 2013), the Department sought clarification of the status of the previously withdrawn targeted dumping regulations and input on whether to reinstate the regulations or to continue to treat them as withdrawn. The Department has considered the comments received and, as explained below, determines to continue not to apply the withdrawn targeted dumping regulations in less-than-fair-value investigations. Rather, the Department will continue to determine whether to apply an alternative comparison method as appropriate based upon the particular facts in each case.

DATES: This Final Rule is effective May 22, 2014, and will apply to all less-than-fair-value investigations initiated on or after May 22, 2014.

FOR FURTHER INFORMATION CONTACT: James Maeder (202) 482–3330; Charles Vannatta (202) 482–4036; or Melissa Brewer (202) 482–1096.

SUPPLEMENTARY INFORMATION:

Background

On October 1, 2013, the Department published its proposed rulemaking and request for comments regarding the Department's proposal not to apply the previously withdrawn regulatory provisions governing targeted dumping in less-than-fair-value investigations.[1] In

[1] Non-Application of Previously Withdrawn Regulatory Provisions Governing Targeted Dumping

Continued

light of the Court of International Trade's decision in *Gold East (Jiangsu) Paper Co.* v. *United States,* 918 F. Supp. 2d 1317 (Ct. Int'l Trade 2013) (Gold East Paper), in which the Court ordered the Department, on remand, to reconsider its final determination with respect to respondent Gold East and to apply the withdrawn regulations, the Department requested comments from parties to clarify the status of the previously withdrawn regulatory provisions as they applied to less-than-fair-value investigations and to determine whether to reinstate the regulations or to continue to treat them as withdrawn.[2] The Department also requested comment on the effect of the proposed rulemaking on recent modifications to the regulations concerning the calculation of the weighted-average dumping margins and assessment rates in certain antidumping proceedings.[3] The Department received a number of comments on the Proposed Rule and has addressed those comments below. The Proposed Rule, comments received, and this Final Rule can be accessed using the Federal eRulemaking portal at *http://www.regulations.gov* under Docket Number ITA–2013–0002.

After analyzing and carefully considering all of the comments the Department received in response to the Proposed Rule, the Department has adopted the approach proposed in the Proposed Rule. The Department will continue not to apply the withdrawn targeted dumping regulations in less-than-fair-value investigations based upon this Final Rule. As a result of this Final Rule, the Department is not modifying 19 CFR 351.414 or 19 CFR 351.301, the sections of the Department's regulations that previously included the withdrawn targeted dumping regulations.

As explained in the Proposed Rule, in less-than-fair-value investigations, the Department calculates dumping margins by one of two methods: (1) By comparing the weighted average of the normal values to the weighted average of the export prices (or constructed export prices) for comparable merchandise (known as the average-to-average method); or (2) by comparing the normal values of individual transactions to the export prices (or constructed export prices) of individual transactions for comparable merchandise (known as the transaction-to-transaction method). Section 777A(d)(1)(A) of the Tariff Act of 1930, as amended (the Act). The statute also provides for an exception to these two comparison methods when the Department finds that there is a pattern of export prices or constructed export prices for comparable merchandise that differ significantly among purchasers, regions, or periods of time, and where such differences cannot be taken into account using one of the comparison methods described above. Section 777A(d)(1)(B) of the Act. When these criteria are satisfied, the Department may compare the weighted average of the normal values to the export price (or constructed export price) of individual transactions for comparable merchandise (known as the average-to-transaction method).

Following the withdrawal of the regulations governing targeted dumping in 2008, the Department continued to develop its practice with respect to the use of an alternative comparison method on a case-by-case basis. The withdrawal allowed the Department to continue to refine its practice based upon its experiences and to analyze the comments received from parties in the course of proceedings based upon the facts on the record of a particular case. Last year, the Department introduced a differential pricing analysis to determine whether the use of an alternative comparison method is appropriate.[4] In this Final Rule, the Department is adopting the approach from the Proposed Rule not to apply the previously withdrawn targeted dumping regulations in less-than-fair-value investigations, which will enable the Department to continue to develop its approach as it gains greater experience in this area.

Comments and Responses

The Department received nine comments on the Proposed Rule. Summaries of these comments are presented below and are grouped by the issues raised in the submissions. The Department's response follows immediately after each comment.

1. Effective Date

With respect to the effective date of the Proposed Rule, one commenter argued that the Department should reinstate the withdrawn targeted dumping regulations because it failed to properly withdraw the targeted dumping regulations in 2008 and now failed to provide a reasoned explanation for the withdrawal of the targeted dumping regulations in the Proposed Rule. If the Department subsequently decides to withdraw the targeted dumping regulations, the Department can provide notice of its intention not to apply the targeted dumping regulations and the effective date of that proposed rule should be 30 days after the adoption of a final regulation that addresses when and how the average-to-transaction comparison method will be used as an alternative comparison method.

Another commenter argued that new administrative proceedings are not affected by the status of the 2008 withdrawal of the targeted dumping regulations, because they are subject to the regulations as modified in the 2012 Final Modification, and, therefore, the Proposed Rule should be effective upon its final publication. One commenter argued that because there is good cause to waive the APA's 30-day waiting period for the effective date of a final rule, the effective date of the Proposed Rule should be December 10, 2008, the effective date of the Department's notice of withdrawal of the targeted dumping regulations. Another commenter argued that the effective date should be December 10, 2008, because a retroactive effective date is permissible in particular circumstances pursuant to the three-factor test established in *Princess Cruises, Inc.* v. *United States,* 397 F.3d 1358 (Fed. Cir. 2005). Other commenters argued that because Gold East Paper was wrongly decided, the effective date of the withdrawn regulations should continue to be December 10, 2008. In the alternative, one commenter argued that the effective date of the withdrawn regulations should be no later than April 16, 2012, the effective date of the 2012 Final Modification, in which the Department promulgated a new regulation in 19 CFR 351.414 that did not include the withdrawn regulations.

The Department's Response

Based upon section 553(d) of the APA, the Department has concluded that the appropriate effective date for this Final Rule is for investigations

in Antidumping Duty Investigations, 78 FR 60240 (Oct. 1, 2013) (Proposed Rule).

[2] *See* 19 CFR 351.414(f) and (g); 19 CFR 351.301(d)(5) (2007) (regulatory provisions governing targeted dumping); see also Withdrawal of the Regulatory Provisions Governing Targeted Dumping in Antidumping Duty Investigations, 73 FR 74930 (Dec. 10, 2008) (withdrawing the regulatory provisions governing targeted dumping) (2008 Withdrawal Notice).

[3] Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification, 77 FR 8101 (Feb. 14, 2012) (2012 Final Modification).

[4] *See,* e.g., Xanthan Gum from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, 78 FR 33,350 (June 4, 2013), and accompanying issues and decision memorandum at Comment 3 (Xanthan Gum from China).

initiated 30 days after its publication.[5] As explained above and in the Proposed Rule, the Department continues to defend its position that the withdrawal of the targeted dumping regulations in the 2008 Withdrawal Notice was proper. Accordingly, the withdrawn regulations have not been operative since December 10, 2008. However, for purposes of this separate rulemaking, the Department finds that it would not be appropriate to use the effective date of the 2008 interim final rule, nor to waive the 30-day waiting period for the effective date of the final rule. As explained above, the Court of International Trade's decision in Gold East Paper, which prompted the Department to conduct this rulemaking, found that the 2008 withdrawal of the regulations was invalid. The Department finds that an effective date which is 30 days after publication of this Final Rule, rather than a retroactive effective date, comports with the APA's requirements and is appropriate.

The Department agrees with one commenter that the 2012 Final Modification promulgated a new regulation in 19 CFR 351.414 (2012) that did not include a portion of the withdrawn targeted dumping regulations. Thus, the Department agrees that following the effective date of the 2012 Final Modification, the withdrawn regulations continued to be non-operative in antidumping proceedings. However, there is not necessarily a link between the procedure implementing the 2012 Final Modification and this rulemaking such that it would be appropriate to use the effective date of the 2012 Final Modification as the effective date of this rulemaking. Therefore, as stated, for purposes of this rulemaking the Department continues to find that an effective date of 30 days after the publication of this Final Rule comports with the APA requirements.

2. Comments Concerning Gold East Paper Co. v. United States Litigation

Several commenters argued that the U.S. Court of International Trade's decision in Gold East Paper, while subject to appeal, invalidates the Department's withdrawal of the targeted dumping regulations, and, thus, the targeted dumping regulations remain in force. For this reason, the commenters claimed that the Proposed Rule to continue not to apply the withdrawn regulations is impermissible.

One commenter stated its view that the Gold East Paper decision was wrongly decided, and will likely be reversed on appeal. Two other commenters noted their recognition of, and support for, the Department's decision to continue to litigate the Court of International Trade's decision in Gold East Paper.

The Department's Response

As explained in the Proposed Rule, the Department continues to defend its position that the withdrawal of the targeted dumping regulations in the 2008 Withdrawal Notice was proper and that the withdrawn regulations are not operative. However, the Department recognizes that the Court of International Trade ruled in Gold East Paper that there was a procedural defect in the rulemaking process that withdrew the targeted dumping regulations, which prompted the Department to publish the Proposed Rule to seek comment on and clarify the status of the withdrawn regulations.

The Department disagrees that the Proposed Rule is impermissible. The Department's intent in this rulemaking is (1) to clarify the status of the withdrawn targeted dumping regulations as a result of the Court of International Trade's decision in Gold East Paper, which held that the Department did not provide the requisite notice and opportunity to comment pursuant to the APA; and (2) to seek comment on whether to reinstate the regulations or to continue to treat them as withdrawn. The framework of the APA requires that an agency publish a proposed rulemaking and provide the public notice of the proposal and the opportunity to comment on the proposal.[6] By publishing the Proposed Rule, providing the public the opportunity to comment on the Department's proposed course of action, and considering the comments raised, the Department has complied with the APA's requirements. The commenters point to no case law or other principles of law to support the assertion that this rulemaking is impermissible. Although the commenter cites to the general notice and comment provisions of the APA, specifically 5 U.S.C. 533(b) and (c), those subsections do not support the argument that this rulemaking is impermissible. Rather, they support the Department's action here, which was to publish a proposed rule and allow the public the opportunity to comment. Thus, the Department disagrees that it has not complied with the requirements of the APA such that this rulemaking is impermissible.

3. Effect of the 2012 Final Modification on This Rulemaking

One commenter argued that because the Department's withdrawal of the targeted dumping regulations is invalid, the regulations remain in force, and do not conflict with the modifications made to 19 CFR 351.414 in the 2012 Final Modification. According to this commenter, 19 CFR 351.414(f) and (g) and 19 CFR 351.301(d)(5) (2007) and the current versions of 19 CFR 351.414 (2012) and 351.301 (2013) may be read harmoniously because the two versions of the regulations are not inconsistent; however, the codification numbering would need to be revised.

Another commenter argued that the 2007 version of the targeted dumping regulations and the 2008 withdrawal of these regulations have no effect on agency determinations (whether investigations or reviews) subject to the 2012 Final Modification because the changes to the regulations made the 2012 Final Modification supersede the provisions of 19 CFR 351.414(f) and (g) and 19 CFR 351.301(d)(5) (2007). Finally, another commenter contended that even if the ''Limiting Rule'' had been in place after the 2008 withdrawal of the targeted dumping regulations, it was superseded when the Department did not include the ''Limiting Rule'' in the 2012 Final Modification, which fully conformed to the APA's notice and comment requirements.

The Department's Response

The 2012 Final Modification was published on February 14, 2012, and applies to all preliminary determinations or preliminary results of review issued after April 16, 2012. The 2012 Final Modification modified the regulations governing the comparison methods applied in less-than-fair-value investigations and reviews under 19 CFR 351.213, 214, 215 and 218, and supersedes prior versions of 19 CFR 351.414. Thus, any such investigation or review with a preliminary determination or preliminary results of review issued after April 16, 2012, is subject to the regulations as modified by the 2012 Final Modification. The rulemaking process which resulted in the 2012 Final Modification was also done in full compliance with the APA.

As noted in the Proposed Rule, the 2012 Final Modification complied with the APA's notice and comment procedures and provided parties with an opportunity to comment on the Department's proposed course of action. The 2012 Final Modification, which codified the Department's changes to 19 CFR 351.414, did not include the

[5] *See* 5 U.S.C. 553(d).

[6] *See* 5 U.S.C. 533(b) and (c).

previously withdrawn regulations and superseded the prior section 351.414. Further, the Department notes that, although the 2012 Final Modification adopts the average-to-average comparison method as the default method in certain reviews, the Department still may determine that it is appropriate to use an alternative comparison method based upon the facts of a particular segment. As with the withdrawn targeted dumping regulations and the revised 19 CFR 351.414 resulting from the 2012 Final Modification, the method by which the Department determines whether it is appropriate to use the average-to-average method is not specified except for the requirements provided in section 777A(d)(1)(B) of the Act. Although this provision of the statute specifically references only less-than-fair-value investigations, the Department has found it reasonable to follow the same approach in reviews. The analysis used by the Department to evaluate these requirements depends on the Department's growing experience and further research into the possible approaches to implement section 777A(d)(1)(B) of the Act. The Department's approach to implement section 777A(d)(1)(B) of the Act may continue to evolve as the Department further develops its analysis in this area.

The Department disagrees with one commenter's view that the withdrawn regulation and the 2012 Final Modification can be read harmoniously. As an initial matter, the 2012 Final Modification modified 19 CFR 351.414, the section of the CFR where the withdrawn targeted dumping regulations were originally codified, and the new rule did not include those withdrawn regulations. Second, the withdrawn targeted dumping regulations applied only to less-than-fair-value investigations, not reviews.[7] Therefore, the withdrawn regulations had no bearing on the Department's conduct in reviews and did not apply in that context. In light of that, if the withdrawn regulations were reinstated, it would create a potentially significant incongruity in the remedy for masked dumping in investigations, as compared to reviews. This is contrary to the aim of the 2012 Final Modification, which was to modify the approach in reviews to parallel, as closely as possible, ''the WTO-consistent methodology that the Department applies in original investigations.'' [8] Because the Department hereby adopts the approach in the Proposed Rule, it is not reinstating the withdrawn regulations as a modification to 19 CFR 351.414 (2012).

4. Validity of the Department's Withdrawal of the Targeted Dumping Regulations

Several commenters argued that the withdrawn targeted dumping regulations were based on sound policies, including predictability, transparency and avoiding a punitive methodology, were promulgated with reasoned analysis, and were thoroughly vetted through the APA's notice and comment requirements. For example, one commenter stressed that the limitation that targeted dumping normally would only be examined when described in an allegation filed by the petitioner no later than 30 days before the date of the preliminary determination in an investigation was based on valid considerations that continue to apply today. These commenters argued that the Department's withdrawal of the targeted dumping regulations disregarded the well-founded basis for the regulations, and failed to provide reasoned analysis or evidence to support the withdrawal of the regulations. Two commenters argued that the Department's only attempt at providing reasoned analysis for withdrawing the targeted dumping regulations was the claim that the regulations ''may have established thresholds or other criteria that may have prevented the use of this comparison methodology to unmask dumping.'' The commenters contended that this claim was speculative and unsupported by evidence. Another commenter argued that the Department must provide a substantive rationale for continuing not to apply the withdrawn regulation.

Two commenters further argued that the Department should continue to apply the withdrawn regulations until it provides a reasoned justification for the withdrawal of the targeted dumping regulations. These commenters argued that the Department has changed its targeted dumping methodology numerous times and is now making such determinations on an ad hoc, undefined basis that lacks parameters, principles, transparency, and predictability. Further, one commenter observed that the ad hoc application of targeted dumping will result in ceaseless litigation in the courts, and that without general guidelines like those in the withdrawn regulations or a specific methodology, the remedial purpose of the antidumping law has become punitive.

Another commenter argued that the Department may not withdraw the targeted dumping regulations until it properly promulgates a new regulation addressing targeted dumping. This commenter argued that it is improper for the Department to act through adjudication by handling targeted dumping on a case-by-case basis rather than promulgating a regulation which governs all proceedings.

In support of the Proposed Rule, another commenter argued that relying on case-by-case adjudication allows the Department to unmask dumping more effectively, because, for example, under the withdrawn regulations, the Department was limited in its ability to unmask dumping due to the normal practice of limiting the average-to-transaction method to only sales that were found to be targeted, rather than applying the average-to-transaction method to all sales. The commenter stressed that the statute does not require this limitation on the Department's ability to apply the average-to-transaction method to all sales.

Another commenter disagreed, and argues that limiting the average-to-transaction method to only those sales that are found to be targeted is consistent with the statute and avoids applying the methodology in a punitive manner. In addition, the commenter stressed that there is no rational reason for the Department to apply the average-to-transaction comparison method to sales that are not targeted, and that the Department has failed to articulate any such reason. The commenter argued that the Department's concern about masked dumping is alleviated by relying on the average-to-transaction method without granting offsets for only those sales found to be targeted.

The Department's Response

The Department believes it provided a reasoned justification for its decision to withdraw the targeted dumping regulations that allowed it to introduce further refinements to its approach to implement section 777A(d)(1)(B) of the Act. As the Department stated in the 2008 Withdrawal Notice, ''[t]he Department believes that withdrawal of the provisions will provide the agency with an opportunity to analyze extensively the concept of targeted dumping and develop a meaningful practice in this area as it gains experience in evaluating such allegations.'' [9] Further, the Department observed that the withdrawal of the targeted dumping regulations and case-by-case adjudication would allow the

[7] *See* 19 CFR 351.414(f) and (g); 19 CFR 351.301(d)(5) (2007).

[8] 2012 Final Modification, 77 FR 8101.

[9] 2008 Withdrawal Notice, 73 FR 74930–31.

Department ''to exercise the discretion intended by the statute and, thereby, develop a practice that will allow interested parties to pursue all statutory avenues of relief in this area.'' [10] Moreover, in the Proposed Rule, the Department specifically stated that ''in the {2008} Withdrawal Notice, the Department explained that in promulgating the regulations that established criteria for analyzing this issue, it 'may have established thresholds or other criteria that may have prevented the use of this comparison methodology to unmask dumping, contrary to the Congressional intent.' '' [11]

The Department also disagrees that it has failed to articulate a reason for withdrawing the targeted dumping regulations. In fact, this Final Rule and the Department's continued non-application of the targeted dumping regulations allows the Department to continue to develop its approach based upon its experience in implementing section 777A(d)(1)(B) of the Act beyond the confines of the targeted dumping regulations. In the years following the 2008 Withdrawal Notice, the Department did just that by introducing a differential pricing analysis.[12] The Department's experience in developing its practice in recent years since the 2008 withdrawal further underscores the Department's rationale in 2008 that the targeted dumping regulations were preventing the Department from improving its ability to identify and address masked dumping. Furthermore, the Department is able to consider the application of the alternative comparison method and, more specifically, the differential pricing analysis in the context of administrative reviews.

Several commenters seemed to argue that the Department must explain why its preference to exercise its statutory authority on a case-by-case basis is better than doing so under the restrictions of the withdrawn targeted dumping regulations. Such arguments are contrary to judicial precedent, which does not require an agency to explain why a new policy is better than a prior policy.[13] Given this precedent, the Department need only explain, as it has here, that its approach is permissible under the statute and is reasonable for purposes of exercising its statutory authority on a case-by-case basis in this context.

The Department agrees with one commenter that case-by-case adjudication allows the Department to unmask dumping more effectively, and allows the Department to fully develop its methodology. Further, this case-by-case adjudication has allowed the Department to develop the newly-introduced differential pricing analysis which itself may be further modified given the specific evidence presented in a particular investigation or review. The Department's position is that the determination of which comparison method to apply is highly dependent upon the facts of the individual proceeding, but in all administrative proceedings, interested parties will have the opportunity to comment on whether an alternative comparison method is warranted.

With respect to comments that the withdrawn targeted dumping regulations were based on sound policies that remain applicable to the calculation methodology today, the Department disagrees that refinements to its methodology invalidate previously applied analysis methods. As discussed above, the Department has explained (1) that there are good reasons for the application of the revised approach, (2) why it believes that the revised approach is better, and (3) that the revised approach is permissible under the law. The Department also finds that it has not disregarded the targeted dumping analysis, or any of its predecessors, and that it reasonably revised its analysis to fulfill its obligation when implementing section 777A(d)(1)(B) of the Act. The Department further notes that it will continue to develop and refine its implementation of section 777A(d)(1)(B) of the Act, as warranted.

The Department disagrees that its approach in this respect is unpredictable and biased because it is not based upon basic guidelines or principles. Rather, withdrawing the unnecessarily restrictive targeted dumping regulations has permitted the Department to refine its methodology and continue to develop its analysis based on experience. In doing so, the Department has refined its analysis in recent years based on its growing experience in implementing section 777A(d)(1)(B) of the Act. When applying an alternative comparison method in a particular case, the Department has explained the developments in its analysis. Last year, the Department introduced a differential pricing analysis to determine whether use of an alternative comparison method is appropriate.[14] In Xanthan Gum from China, the Department explained that ''it continues to develop its approach pursuant to its authority to address potential masked dumping.'' [15] In proceedings in which the Department applied either the targeted dumping analysis or the differential pricing analysis, the Department provided parties the opportunity to comment on the Department's analyses.[16] Thus, contrary to some commenters' claims, the Department's practice has not been unpredictable, but rather has been consistent and transparent.

With respect to the commenters' arguments regarding the application of the average-to-transaction method to all U.S. sales rather than a subset of sales, the Department notes that the statute, for less-than-fair-value investigations, is silent on whether the alternative comparison method applies to all sales or to only a subset of sales.[17] Congress could have explicitly granted the Department certain authority in this context, but it chose to leave such a determination to the Department's discretion. Thus, the statute provides that the Department may employ an alternative comparison method when two criteria are satisfied, but does not dictate whether to apply that method to all sales or only to a subset of sales. When the Department withdrew the targeted dumping regulations in the 2008 Withdrawal Notice, it explained that ''withdrawal of the provisions will provide the agency with an opportunity to analyze extensively the concept of targeted dumping and develop a meaningful practice in this area as it gains experience in evaluating such allegations.'' [18] Since 2008, the Department has continued to develop its practice based on its case-by-case experience and, as a result of parties' comments in those proceedings, it has revised its approach in a reasoned and purposeful manner. Although not required by statute, the Department's recently employed differential pricing

[10] *Id.* at 74391.

[11] Proposed Rule, 78 FR 60241 (citing 2008 Withdrawal Notice).

[12] *See,* e.g., Xanthan Gum from China; Xanthan Gum from Austria (post-preliminary determination analysis memos).

[13] *See* Mid Continent Nail Corp. v. United States, Slip. Op. 2010–48 (Ct. Int'l Trade May 4, 2010) 2010 Ct. Int'l Trade LEXIS 48, *23–24 (2010) (Mid Continent Nail) (citing FCC v. Fox Television Stations, Inc., 129 S. Ct. 1800, 1811 (2009) (holding that an agency ''need not demonstrate to a court's satisfaction that the reasons for the new policy are *better* than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency *believes* it to be better, which the conscious change of course adequately indicates'')).

[14] *See* Xanthan Gum from China.

[15] *Id.* at Comment 3.

[16] *See,* e.g., Nails from China, and accompanying issues and decision memorandum at Comments. 1–8; Xanthan Gum from China, at Comment 3.

[17] *See* Section 777A(d)(1)(B) of the Act.

[18] Withdrawal Notice at 74930–31.

analysis considers the proportion of a respondent's sales that are part of a pattern of prices that differ significantly when determining whether to use an alternative comparison method based on applying the average-to-transaction method to all U.S. sales or only to a subset of U.S. sales.[19] In Xanthan Gum from China, the Department explained that in the differential pricing analysis ''there is a direct correlation between the U.S. sales that establish a pattern of export prices that differ significantly and to what portion of the U.S. sales the average-to-transaction method is applied.'' [20] Thus, in developing its practice following the 2008 Withdrawal Notice, the Department has analyzed application of the average-to-transaction method and applies the remedy in a reasonable fashion based upon the facts on the record of a particular investigation or review.

5. Application of the Targeted Dumping Analysis

Several commenters observed that targeted dumping is a reflection of normal commercial practices, and argue that the Department's refusal to consider legitimate commercial reasons for targeting is contrary to congressional intent, judicial precedent and administrative practice. Two commenters add that the Department's application of the average-to-transaction method, without considering company-specific factors or reasons why prices may differ, ignores the express requirement in the Statement of Administrative Action (SAA) to proceed on a case-by-case basis, in light of differences in significance based on industry or type of product.

Two commenters argue that the Department should reinstate the withdrawn targeted dumping regulations, including the ''normal rules'' that the average-to-transaction method applies only to sales that have been found to be targeted. The two commenters advocate reinstatement of the withdrawn regulations, but with added provisions that: (i) an affirmative finding of targeted dumping requires that the targeted sales actually be sold at dumped prices; (ii) the Department will consider all relevant facts and circumstances in determining whether dumped sales are targeted, including reasons for disparities in sale prices by purchaser, region or time period in light of normal commercial practices; and (iii) the average-to-transaction method should not apply if targeted sales are de minimis. These two commenters argue that a revised regulation that includes these additional provisions should be effective for all reviews and investigations whose results are not final, including segments of proceedings in which parties have challenged the Department's withdrawal of 19 CFR 351.414(f) (2007) in court, and should be implemented through the issuance of a Policy Bulletin and Proposed Regulations, with opportunity for comment. One commenter also argued that the Department should modify its use of the Cohen's d test, as employed in the differential pricing analysis, to conform to the commenter's proposed changes to include regulatory provisions on targeted dumping.

According to another commenter, targeted dumping is an unproven theoretical construct that cannot be proven through statistically valid techniques, and there is no evidence that targeted dumping is a ''problem'' that needs to be unmasked. The commenter argues that the real difficulty is that sale prices may differ by purchaser, region or time period as a result of normal commercial practices. Further, the commenter contends that a pattern of prices that differ ''significantly'' would occur in extraordinary circumstances, and targeted dumping as defined by the statute is not a usual or frequent occurrence.

The Department's Response

As explained above, the Department has decided not to reinstate the previously withdrawn targeted dumping regulations or to promulgate revised regulations to implement 777A(d)(1)(B) of the Act. The Department explained that it withdrew the targeted dumping regulations in order to broaden its experience and consider potential approaches to fully address this issue. As a result of this increased experience and further research, the Department has developed and employed a differential pricing analysis to consider whether the average-to-average method applied to all U.S. sales is an appropriate tool to determine the amount of dumping, if any, for a given respondent. In the differential pricing analysis, the Department considers, based upon the facts on the record, whether it is appropriate to apply the average-to-transaction method to a portion, all, or none of a respondent's U.S. sales as an alternative comparison method to applying the average-to-average method to all U.S. sales.[21] As noted above, the Department will continue to refine its approach in implementing section 777A(d)(1)(B) of the Act as it gains additional experience in its application of section 777A(d) of the Act and CFR 351.414 (2012). Further, the Department disagrees with the substance of the suggested modifications summarized above, whether codified in regulations or as part of the Department's practice. The Department disagrees that targeted sales, or sales which have been found to constitute a pattern of prices that differ significantly, must be sold at dumped prices. Section 777A(d)(1)(B)(i) refers to a pattern of export prices or constructed export prices and does not consider a comparison of such prices with normal values, and, therefore, there is no requirement that the sales which comprise such a pattern be dumped or not dumped. Indeed, all, some or none of the U.S. sales which are found to create a pattern of prices that differ significantly may be below their comparable normal value, but this is immaterial when addressing section 777A(d)(1)(B)(i) of the Act. Accordingly, a determination of ''dumping'' is not encompassed within the analysis that establishes whether a pattern of prices that differ significantly exists.

The Department also disagrees that it must consider a party's explanations of their pricing behavior as part of the Department's analysis when determining whether to employ an alternative comparison method. As explained in past cases, the Department does not consider ''why'' there exists a pattern of prices that differ significantly. The statute provides that the Department may apply an alternative comparison method if ''there is a pattern of export prices (or constructed export prices) for comparable merchandise that differ significantly among purchasers, regions, or periods of time'' and the Department explains why those differences cannot be taken into account using the normal method.[22] The statute does not, however, direct the Department to consider the reason for the price differences or the motivations behind the respondent's pricing behavior. Rather, it provides that when there is a pattern of prices that differ significantly and the average-to-average method cannot account for such differences, then the Department may find that the average-to-average method is not the appropriate tool to determine the extent of a respondent's dumping and may apply an alternative comparison method. In recent determinations, the Department has

[19] See Xanthan Gum from China, at Comment 3.

[20] *Id.*

[21] *See* Xanthan Gum from China, and accompanying Issues and Decision Memorandum at Comment 3.

[22] Section 777A(d)(1)(B) of the Act.

declined to find that a party's explanation of its pricing justifies the presence of targeted sales.[23]

The Department believes that a determination whether to apply an alternative comparison method is best made on a case-by-case basis, rather than applying a rigid de minimis test. In recent cases, as the commenters acknowledge, the Department has considered the extent of the targeting when determining whether to apply the alterative comparison method.[24] However, as previously explained, the withdrawal of the targeted dumping regulations allows the Department the necessary flexibility to develop its practice in this area. Indeed, when applying a differential pricing analysis, the Department takes into account the percentage of sales passing the Cohen's d test in determining whether to apply the alternative comparison method.[25]

Further, the Department disagrees that there is no evidence that targeted or masked dumping is a ''problem'' that needs to be addressed. The Federal Circuit agreed with the Department that Congress, in the statute, specifically provides for the use of an alternative comparison method when certain prerequisite conditions are met in order for the Department to implement section 777A(d)(1)(B) of the Act.[26] The Department believes that Congress's explicit provision in the statute for the use of an alternative comparison method in situations where certain facts are present demonstrates that the Department may consider whether and to what extent hidden or masked dumping exists and how best to address it.

6. Application of the Average-to-Transaction Method

With respect to the withdrawn regulations' provision that the average-to-transaction method will be applied only to those sales found to be targeted, one commenter argues that if the Department determines to apply the withdrawn regulations in proceedings completed prior to the effective date of this Final Rule, it should do so consistent with how it applied the regulations prior to their withdrawal (and consistent with its approach in the differential pricing methodology), i.e. not offset dumping margins found for targeted sales with non-dumped sales which were not targeted. The commenter further argues that if the specifics of the case at hand require, the Department should not apply the average-to-transaction method to only targeted sales where targeting is extensive or widespread, but instead should apply the average-to-transaction comparison method to all sales.

Another commenter argues that the withdrawn regulations remain valid, in particular because applying the average-to-transaction method to all sales would be punitive given that offsets would be denied for all non-dumped sales. Two other commenters also argue that the Department's targeted dumping analysis effectively negates the Department's abandonment of denying offsets for non-dumped sales because, upon finding that targeted dumping has occurred, the Department applies the average-to-transaction method to all sales, including those that are not targeted. According to these two commenters, the effect is that offsets are denied for all non-dumped sales.

The Department's Response

As noted above, the Department continues to find that the targeted dumping regulations, including 19 CFR 351.414(f)(2) (2007), the ''Limiting Rule'', are inoperative. Under the Limiting Rule, the Department applied the average-to-transaction method to only those U.S. sales which were found to have been targeted. However, the Department believed that this did not adequately address the masked dumping presented by the results of the Nails test, as employed in the targeted dumping analysis. First, the Nails test only identified lower-priced sales to certain purchasers, regions or time periods specified in the petitioner's targeted dumping allegation. Pursuant to section 777A(d)(1)(B)(i) of the Act, a pattern of prices that differ significantly is determined not only by considering lower priced sales but by comparison of those sales to other, higher priced sales. Therefore, the Department was not identifying all of the U.S. sales that constitute a pattern of prices that differ significantly. Without identifying all the sales that form the pattern, and by limiting the remedy to only those particular sales, the Department recognized that the remedy for addressing the scenario contemplated in section 777A(d)(1)(B) of the Act could be inadequate.

As a result, the Department withdrew the regulations governing targeted dumping, as described above and in the 2008 Withdrawal Notice, to allow it greater ability to develop more effective methods to implement section 777A(d)(1)(B) of the Act. Initially, this involved the targeted dumping analysis with the average-to-transaction method being applied to all U.S. sales but with added discretion as to whether this alternative comparison method was warranted.[27] Subsequently, with the Department's publication of the 2012 Final Modification, the Department's approach in less-than-fair-value investigations began to be applied in administrative reviews.[28] With the Department's growing experience in addressing the criteria set forth in section 777A(d)(1)(B) of the Act, the Department introduced a differential pricing analysis in Xanthan Gum from China. In this approach, the potential alternative comparison method is determined according to the extent of the pattern of prices that differ significantly, and may include applying the average-to-transaction method to all, some, or none of the U.S. sales, depending upon the facts in each case.

The Department disagrees with the argument that the application of the average-to-transaction method to all U.S. sales is punitive. The purpose of considering whether to apply an alternative comparison method is to determine whether the average-to-average method is an appropriate tool to measure the amount of dumping of a respondent. When the Department determines that an alternative comparison method is appropriate, it is based on a reasonable analysis supported by evidence on the record of the particular segment of the proceeding and is in accordance with the statute,

[23] *See,* e.g., Certain Steel Nails from the United Arab Emirates: Final Determination of Sales at Less than Fair Value, 77 FR. 17029 (Mar. 23, 2012), and the accompanying Issues and Decision Memorandum at Comment 1; Circular Welded Carbon Steel Pipes and Tubes From Turkey; Final Results of Antidumping Duty Administrative Review; 2010 to 2011, 77 FR 72818 (Dec. 6, 2012) and the accompanying Issues and Decision Memorandum at Comment 1–C; Stainless Steel Plate in Coils From Belgium: Final Results of Antidumping Duty Administrative Review; 2011–2012, 78 FR 79662 (Dec. 31, 2013), and the accompanying Issues and Decision Memorandum at Comment 5.

[24] *See* Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Review; 2010–2011, 78 FR 9670 (Feb. 11, 2013); Ball Bearings and Parts Thereof from France, Germany, and Italy: Final Results of Review; 2010–2011, 77 FR 73415 (Dec. 10, 2012).

[25] *See* Xanthan Gum from China, at Comment 3.

[26] *United States Steel Corp.* v. *United States,* 621 F.3d 1351, 1363 (Fed. Cir. 2010) (''{T}he exception contained in 1677f–1(d)(1)(B) indicates that Congress gave {the Department} a tool for combating targeted or masked dumping by allowing {the Department} to compare weighted average normal value to individual transaction values when there is a pattern of prices that differs significantly among purchasers, regions, or periods of time.'')

[27] *See* Certain Stilbenic Optical Brightening Agents from Taiwan: Final Determination of Sales at Less Than Fair Value, 77 FR 17027 (Mar. 23, 2012).

[28] *See* 2012 Final Modification; Ball Bearings and Parts Thereof From France, Germany, and Italy: Final Results of Review; 2010–2011, 77 FR 73415 (Dec. 10, 2012).

regulations, and Congressional intent to implement section 777A(d)(1)(B) of the Act, where appropriate. Therefore, a determination to apply a particular comparison method to calculate a respondent's weighted-average dumping margin is not punitive, but rather a reflection of the respondent's own pricing behavior.

The Department disagrees that the application of the average-to-transaction method negates the Department's abandonment of denying offsets for non-dumped sales in investigations or reviews. In 2006, the Department came into compliance with certain WTO rulings and changed its practice to grant offsets for non-dumped comparison results when using the average-to-average method in less-than-fair-value investigations.[29] With the 2012 Final Modification, the Department changed its practice in certain types of reviews, including administrative reviews, to follow its WTO-compliant practice in less-than-fair-value investigations and to use the average-to-average method while granting offsets for non-dumped comparison results. The Department has not changed its approach with respect to the application of the average-to-transaction method, which includes the denial of offsets for non-dumped sales when aggregating the transaction-specific comparison results. This is based on the fundamental differences between the average-to-average method and the average-to-transaction method and has been upheld by the Federal Circuit.[30]

7. Other Comments

Two commenters raise concerns with the Department's current approach, in particular the Department's use of the Cohen's d test. Specifically, these commenters contend that the Cohen's d test is not a recognized statistical measure for identifying targeted sales, and fails to account for directionality, i.e. it does not distinguish between positive and negative results. As a result, the test wrongly captures sales that are not targeted. Instead, these commenters argue that a pooled standard deviation should be based on a weighted average, rather than simple average variances, and the Department should control for more independent variables in each run, as well as apply additional filters before determining targeted sales.

The Department's Response

In the Proposed Rule, the Department advised that it was ''seeking comments from parties to clarify the status of the previously withdrawn regulatory provisions with regard to antidumping duty investigations,'' and also invited comment on the effect of the Proposed Rule on recent modifications to the Department's methodology, i.e., the 2012 Final Modification.[31] The Department further explained that it was inviting parties ''to comment on this proposed rulemaking and the proposed effective date. Further, any party may submit comments expressing its disagreement with the Department's proposal and may propose an alternative approach. If any party believes that the Department should reinstate the previously withdrawn regulations, that party should explain how to reinstate the withdrawn regulations and include suggestions on how to codify such reinstatement, as well as any suggestions on the effective date.'' [32]

The comments submitted with respect to the characteristics and application of the Cohen's d test are beyond the scope of the rulemaking, i.e., the Proposed Rule, and therefore, the Department need not reach consideration of these comments. The Department expects to request comments from parties on its current differential pricing analysis separately.

Classification

Executive Order 12866

This rulemaking is not significant for purposes of Executive Order 12866 of September 30, 1993 (''Regulatory Planning and Review'') (58 FR 51735 (October 4, 1993)).

Paperwork Reduction Act

This proposed rule contains no new collection of information subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

Executive Order 13132

This proposed rule does not contain policies with federalism implications as that term is defined in section 1(a) of Executive Order 13132, dated August 4, 1999 (64 FR 43255 (August 10, 1999)).

Regulatory Flexibility Act

The Chief Counsel for Regulation certified to the Chief Counsel for Advocacy of the Small Business Administration (''SBA'') at the proposed rule stage that this rule would not have a significant economic impact on a substantial number of small business entities under the provisions of the Regulatory Flexibility Act, 5 U.S.C. 605(b). For this reason, a Final Regulatory Flexibility Analysis is not required and one has not been prepared.

Dated: April 7, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

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[29] Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin During an Antidumping Investigation; Final Modification, 71 FR 77722 (Dec. 27, 2006).

[30] *Union Steel* v. *United States,* 713 F.3d 1101, 1103 (Fed. Cir. 2013).

[31] Proposed Rule, at 60240.

[32] *Id.* at 60241.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9658]

RIN 1545–BL18

Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons, Information Reporting and Backup Withholding on Payments Made to Certain U.S. Persons, and Portfolio Interest Treatment; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to final and temporary regulations (TD 9658), which were published in the **Federal Register** on Thursday, March 6, 2014 (79 FR 12726). The regulations relate to the withholding of tax on certain U.S. source income paid to foreign persons, information reporting and backup withholding with respect to payments made to certain U.S. persons, portfolio interest paid to nonresident alien individuals and foreign corporations, and the associated requirements governing collection, refunds, and credits of withheld amounts under these rules.

DATES: This correction is effective on April 22, 2014 and is applicable on March 6, 2014.

FOR FURTHER INFORMATION CONTACT: Nancy J. Lee, (202) 317–6942 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Income Tax Regulations (26 CFR part 1) under section 6045 of the Code. The temporary regulation that is the subject of these corrections is § 1.6045–1, promulgated under section 6045 of

the Internal Revenue Code. This regulation affects persons that are brokers making certain returns of information with respect to their customers.

Need for Correction

As published, the temporary regulation contains errors in the instructions that need to be corrected. First, the instructions indicate that § 1.6045–1T is amended. However, the temporary regulation is added, not amended. Second, the instructions do not add paragraphs (m) through (o), which should be included in the temporary regulation by cross-reference to the final regulation. The correcting amendments add the temporary regulation, including paragraphs (m) through (o).

List of Subjects in CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.6045–1T is added to read as follows:

§ 1.6045–1T Returns of information of brokers and barter exchanges (temporary).

(a) through (c)(3)(i) [Reserved]. For further guidance, see § 1.6045–1(a) through (c)(3)(i)(C)(*2*)(*iv*).

(ii) *Excepted sales.* No return of information is required with respect to a sale effected by a broker for a customer if the sale is an excepted sale. For this purpose, a sale is an excepted sale if it is—

(A) So designated by the Internal Revenue Service in a revenue ruling or revenue procedure (see § 601.601(d)(2) of this chapter); or

(B) A sale with respect to which a return is not required by applying the rules of § 1.6049–4(c)(4) (by substituting the term *a sale subject to reporting under section 6045* for the term *an interest payment*).

(iii) through (xiii) [Reserved]. For further guidance, see § 1.6045–1(c)(3)(iii) through (xiii).

(xiv) *Certain redemptions.* No return of information is required under this section for payments made by a stock transfer agent (as described in § 1.6045–1(b)(iv)) with respect to a redemption of stock of a corporation described in section 1297(a) with respect to a shareholder in the corporation if—

(A) The stock transfer agent obtains from the corporation a written certification signed by an officer of the corporation, that states that the corporation is described in section 1297(a) for each calendar year during which the stock transfer agent relies on the provisions of paragraph (c)(3)(xiv) of this section, and the stock transfer agent has no reason to know that the written certification is unreliable or incorrect;

(B) The stock transfer agent identifies, prior to payment, the corporation as a participating FFI (including a reporting Model 2 FFI) (as defined in § 1.6049–4(f)(10) or (f)(14), respectively), or reporting Model 1 FFI (as defined in § 1.6049–4(f)(13)), in accordance with the requirements of § 1.1471–3(d)(4) (substituting the terms *stock transfer agent* and *corporation* for the terms *withholding agent* and *payee*);

(C) The stock transfer agent obtains, before each year the payment would otherwise be reported, a written certification representing that the corporation shall report the payment as part of its account holder reporting obligations under chapter 4 of the Code or an applicable IGA (as defined in § 1.6049–4(f)(7)) and provided the stock transfer agent does not know that the corporation is not reporting the payment as required. A stock transfer agent that knows that the corporation is not reporting the payment as required under chapter 4 of the Code or an applicable IGA must report all payments reportable under this section that it makes during the year in which it obtains such knowledge; and

(D) The stock transfer agent is not also acting in its capacity as a custodian, nominee, or other agent of the payee with respect to the payment.

(xv) *Effective/applicability date.* Paragraphs (c)(3)(ii) and (xiv) of this section apply to sales effected on or after July 1, 2014. (For sales effected before July 1, 2014, see paragraph (c)(3)(ii) of this section as in effect and contained in 26 CFR part 1 revised April 1, 2013.)

(c)(4) through (g)(1) [Reserved]. For further guidance, see § 1.6045–1(c)(4) through (g)(1).

(i) With respect to a sale effected at an office of a broker either inside or outside the United States, the broker may treat the customer as an exempt foreign person if the broker can, prior to the payment, reliably associate the payment with documentation upon which it can rely in order to treat the customer as a foreign beneficial owner in accordance with § 1.1441–1(e)(1)(ii), as made to a foreign payee in accordance with § 1.6049–5(d)(1), or presumed to be made to a foreign payee under § 1.6049–5(d)(2) or (3). For purposes of this paragraph (g)(1)(i), the provisions in § 1.6049–5(c) regarding rules applicable to documentation of foreign status shall apply with respect to a sale when the broker completes the acts necessary to effect the sale at an office outside the United States, as described in paragraph (g)(3)(iii)(A) of this section, and no office of the same broker within the United States negotiated the sale with the customer or received instructions with respect to the sale from the customer. The provisions in § 1.6049–5(c) regarding the definitions of U.S. payor, U.S. middleman, non-U.S. payor, and non-U.S. middleman shall also apply for purposes of this paragraph (g)(1)(i). The provisions of § 1.1441–1 shall apply by substituting the terms *broker* and *customer* for the terms *withholding agent* and *payee* and without regard for the fact that the provisions apply to amounts subject to withholding under chapter 3 of the Internal Revenue Code (Code). The provisions of § 1.6049–5(d) shall apply by substituting the terms *broker* and *customer* for the terms *payor* and *payee.* For purposes of this paragraph (g)(1)(i), a broker that is required to obtain, or chooses to obtain, a beneficial owner withholding certificate described in § 1.1441–1(e)(2)(i) from an individual may rely on the withholding certificate only to the extent the certificate includes a certification that the beneficial owner has not been, and at the time the certificate is furnished, reasonably expects not to be present in the United States for a period aggregating 183 days or more during each calendar year to which the certificate pertains. The certification is not required if a broker receives documentary evidence under § 1.6049–5(c)(1) or (4).

(ii) through (3)(iii) [Reserved]. For further guidance, see § 1.6045–1(g)(1)(ii) through (g)(3)(iii).

(iv) *Special rules where the customer is a foreign intermediary or certain U.S. branches.* A foreign intermediary, as defined in § 1.1441–1(c)(13), is an exempt foreign person, except when the broker has actual knowledge (within the meaning of § 1.6049–5(c)(3)) that the person for whom the intermediary acts is a U.S. person that is not exempt from reporting under paragraph (c)(3) of this section or the broker is required to presume under § 1.6049–5(d)(3) that the payee is a U.S. person that is not an exempt recipient. If a foreign intermediary, as described in § 1.1441–1(c)(13), or a U.S. branch that is not

treated as a U.S. person receives a payment from a payor or middleman, which payment the payor or middleman can reliably associate with a valid withholding certificate described in § 1.1441–1(e)(3)(ii) or (iii) or § 1.1441–1(e)(3)(v), respectively, furnished by such intermediary or branch, then the intermediary or branch is not required to report such payment when it, in turn, pays the amount, unless, and to the extent, the intermediary or branch knows that the payment is required to be reported under this section and was not so reported. For example, if a U.S. branch described in § 1.1441–1(b)(2)(iv) fails to provide information regarding U.S. persons that are not exempt from reporting under paragraph (c)(3) of this section to the person from whom the U.S. branch receives the payment, the U.S. branch must report the payment on an information return. See, however, paragraph (c)(3)(ii) of this section for when reporting under section 6045 is coordinated with reporting under chapter 4 of the Code or an applicable IGA (as defined in § 1.6049–4(f)(7)). The exception of this paragraph (g)(3)(iv) for amounts paid by a foreign intermediary shall not apply to a qualified intermediary that assumes reporting responsibility under chapter 61 of the Code except as provided under the agreement described in § 1.1441–1(e)(5)(iii).

(4) *Examples.* The application of the provisions of this paragraph (g) may be illustrated by the following examples:

Example 1. FC is a foreign corporation that is not a U.S. payor or U.S. middleman described in § 1.6049–5(c)(5) that regularly issues and retires its own debt obligations. A is an individual whose residence address is inside the United States, who holds a bond issued by FC that is in registered form (within the meaning of section 163(f) and the regulations under that section). The bond is retired by FP, a foreign corporation that is a broker within the meaning of paragraph (a)(1) of this section and the designated paying agent of FC. FP mails the proceeds to A at A's U.S. address. The sale would be considered to be effected at an office outside the United States under paragraph (g)(3)(iii)(A) of this section except that the proceeds of the sale are mailed to a U.S. address. For that reason, the sale is considered to be effected at an office of the broker inside the United States under paragraph (g)(3)(iii)(B) of this section. Therefore, FC is a broker under paragraph (a)(1) of this section with respect to this transaction because, although it is not a U.S. payor or U.S. middleman, as described in § 1.6049–5(c)(5), it is deemed to effect the sale in the United States. FP is a broker for the same reasons. However, under the multiple broker exception under paragraph (c)(3)(iii) of this section, FP, rather than FC, is required to report the payment because FP is responsible for paying the holder the proceeds from the retired obligations. Under paragraph (g)(1)(i) of this section, FP may not treat A as an exempt foreign person and must make an information return under section 6045 with respect to the retirement of the FC bond, unless FP obtains the certificate or documentation described in paragraph (g)(1)(i) of this section.

Example 2. The facts are the same as in *Example 1* except that FP mails the proceeds to A at an address outside the United States. Under paragraph (g)(3)(iii)(A) of this section, the sale is considered to be effected at an office of the broker outside the United States. Therefore, under paragraph (a)(1) of this section, neither FC nor FP is a broker with respect to the retirement of the FC bond. Accordingly, neither is required to make an information return under section 6045.

Example 3. The facts are the same as in *Example 2* except that FP is also the agent of A. The result is the same as in *Example 2.* Neither FP nor FC are brokers under paragraph (a)(1) of this section with respect to the sale since the sale is effected outside the United States and neither of them are U.S. payors (within the meaning of § 1.6049–5(c)(5)).

Example 4. The facts are the same as in *Example 1* except that the registered bond held by A was issued by DC, a domestic corporation that regularly issues and retires its own debt obligations. Also, FP mails the proceeds to A at an address outside the United States. Interest on the bond is not described in paragraph (g)(1)(ii) of this section. The sale is considered to be effected at an office outside the United States under paragraph (g)(3)(iii)(A) of this section. DC is a broker under paragraph (a)(1)(i)(B) of this section. DC is not required to report the payment under the multiple broker exception under paragraph (c)(3)(iii) of this section. FP is not required to make an information return under section 6045 because FP is not a U.S. payor described in § 1.6049–5(c)(5) and the sale is effected outside the United States. Accordingly, FP is not a broker under paragraph (a)(1) of this section.

Example 5. The facts are the same as in *Example 4* except that FP is also the agent of A. DC is a broker under paragraph (a)(1) of this section. DC is not required to report under the multiple broker exception under paragraph (c)(3)(iii) of this section. FP is not required to make an information return under section 6045 because FP is not a U.S. payor described in § 1.6049–5(c)(5) and the sale is effected outside the United States and therefore FP is not a broker under paragraph (a)(1) of this section.

Example 6. The facts are the same as in *Example 4* except that the bond is retired by DP, a broker within the meaning of paragraph (a)(1) of this section and the designated paying agent of DC. DP is a U.S. payor under § 1.6049–5(c)(5). DC is not required to report under the multiple broker exception under paragraph (c)(3)(iii) of this section. DP is required to make an information return under section 6045 because it is the person responsible for paying the proceeds from the retired obligations unless DP obtains the certificate or documentary evidence described in paragraph (g)(1)(i) of this section.

Example 7. Customer A owns U.S. corporate bonds issued in registered form after July 18, 1984, and carrying a stated rate of interest. The bonds are held through an account with foreign bank, X, and are held in street name. X is a wholly-owned subsidiary of a U.S. company and is not a qualified intermediary within the meaning of § 1.1441–1(e)(5)(ii). X has no documentation regarding A. A instructs X to sell the bonds. In order to effect the sale, X acts through its agent in the United States, Y. Y sells the bonds and remits the sales proceeds to X. X credits A's account in the foreign country. X does not provide documentation to Y and has no actual knowledge that A is a foreign person but it does appear that A is an entity (rather than an individual).

(i) *Y's obligations to withhold and report.* Y treats X as the customer, and not A, because Y cannot treat X as an intermediary because it has received no documentation from X. Y is not required to report the sales proceeds under the multiple broker exception under paragraph (c)(3)(iii) of this section, because X is an exempt recipient. Further, Y is not required to report the amount of accrued interest paid to X on Form 1042–S under § 1.1461–1(c)(2)(ii) because accrued interest is not an amount subject to reporting under chapter 3 unless the withholding agent knows that the obligation is being sold with a primary purpose of avoiding tax.

(ii) *X's obligations to withhold and report.* Although X has effected, within the meaning of paragraph (a)(1) of this section, the sale of a security at an office outside the United States under paragraph (g)(3)(iii) of this section, X is treated as a broker, under paragraph (a)(1) of this section, because as a wholly-owned subsidiary of a U.S. corporation, X is a controlled foreign corporation and therefore is a U.S. payor. See § 1.6049–5(c)(5). Under the presumptions described in § 1.6049–5(d)(2) (as applied to amounts not subject to withholding under chapter 3), X must apply the presumption rules of § 1.1441–1(b)(3)(i) through (iii), with respect to the sales proceeds, to treat A as a partnership that is a U.S. non-exempt recipient because the presumption of foreign status for offshore obligations under § 1.1441–1(b)(3)(iii)(D) does not apply. See paragraph (g)(1)(i) of this section. Therefore, unless X is an FFI (as defined in § 1.1471–1(b)(47)) that is excepted from reporting the sales proceeds under paragraph (c)(3)(ii) of this section, the payment of proceeds to A by X is reportable on a Form 1099 under paragraph (c)(2) of this section. X has no obligation to backup withhold on the payment based on the exemption under § 31.3406(g)–1(e) of this chapter, unless X has actual knowledge that A is a U.S. person that is not an exempt recipient. X is also required to separately report the accrued interest (see paragraph (d)(3) of this section) on Form 1099 under section 6049 because A is also presumed to be a U.S. person who is not an exempt recipient with respect to the payment because accrued interest is not an amount subject to withholding under chapter 3 and, therefore, the presumption of foreign status for offshore obligations under § 1.1441–1(b)(3)(iii)(D) does not apply. See § 1.6049–5(d)(2)(i).

Example 8. The facts are the same as in *Example 7,* except that X is a foreign corporation that is not a U.S. payor under § 1.6049–5(c).

(i) *Y's obligations to withhold and report.* Y is not required to report the sales proceeds under the multiple broker exception under paragraph (c)(3)(iii) of this section, because X is the person responsible for paying the proceeds from the sale to A.

(ii) *X's obligations to withhold and report.* Although A is presumed to be a U.S. payee under the presumptions of § 1.6049–5(d)(2), X is not considered to be a broker under paragraph (a)(1) of this section because it is a not a U.S. payor under § 1.6049–5(c)(5). Therefore X is not required to report the sale under paragraph (c)(2) of this section.

(5) *Effective/applicability date*—(i) [Reserved]. For further guidance, see § 1.6045–1(g)(5)(i).

(ii) The provisions of paragraphs (g)(1)(i), (g)(3)(iv), and (g)(4) of this section apply to payments made on or after July 1, 2014.

(h) through (p) [Reserved]. For further guidance, see § 1.6045–1(h) through (p).

(q) *Expiration date.* The applicability of this section expires on February 28, 2017.

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2013–1061]

RIN 1625–AA08

Special Local Regulations; Eighth Coast Guard District Annual and Recurring Marine Events Update

AGENCY: Coast Guard, DHS.

ACTION: Interim final rule; request for comments.

SUMMARY: The Coast Guard is amending and updating its special local regulations relating to recurring marine parades, regattas, and other events that take place in the Eighth Coast Guard District area of responsibility (AOR). This interim rule informs the public of regularly scheduled marine parades, regattas, and other recurring events that require additional safety measures through establishing a special local regulation. Through this interim rule the current list of recurring marine events requiring special local regulations is updated with revisions, additional events, and removal of events that no longer take place in the Eighth Coast Guard District AOR. When these special local regulations are enforced, certain restrictions are placed on marine traffic in specified areas. Additionally, this one rulemaking project reduces administrative costs involved in producing a separate rule for each individual recurring event and serves to provide notice of the known recurring events requiring a special local regulation throughout the year.

DATES: This rule is effective April 22, 2014. Comments and related material must be received by the Coast Guard on or before May 22, 2014.

ADDRESSES: Documents mentioned in this preamble are part of Docket Number USCG–2013–1061. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Open Docket Folder'' on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may submit comments, identified by docket number, using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* (202) 493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Shelley R. Miller, Eighth Coast Guard District Waterways Management Division, (504) 671–2139 or email, *Shelley.R.Miller@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

BNM Broadcast Notice to Mariners
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
LNM Local Notice to Mariners
NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2013–1061] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2013–1061) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

The Coast Guard is issuing this interim final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. This interim rule is effective upon publication without prior notice through publication in the **Federal Register**, but also invites comments regarding the updated list of events. The Coast Guard will address all comments accordingly, whether through response, additional revision to the regulation, or otherwise. Completing the full NPRM process would unnecessarily delay the effective dates for the events listed to occur in April and May of 2014. This interim rule, prepared to provide the most up to date list of recurring marine events and special local regulations, provides ample notice for all listed events occurring after May. Additionally, these recurring events are noticed to the public through local avenues and planned on by the local communities.

The current list of annual and recurring marine events and special local regulations occurring in the Eighth Coast Guard District AOR is published under 33 CFR part 100.801. That list was last updated May 16, 2012 through a previous rulemaking, [77 FR 2876] and received no adverse comments. Like this interim rule, the May 2012 update added to, removed from, and amended 33 CFR 100.801 to create a comprehensive list of recurring marine events requiring special local regulations. In addition to amending and updating the current list, this interim rule provides additional clarity by separating the events according to each Coast Guard Sector within the Eighth District.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Providing a 30-day notice would unnecessarily delay the effective dates for the events listed to occur in April and May of 2014, which are also noticed to the public through local avenues and are planned on by the local communities.

C. Basis and Purpose

The basis for this interim rule is found in 33 U.S.C. 1233 which authorizes the Coast Guard to permit marine events and establish special local regulations related to those marine events. The Coast Guard is amending and updating the special local regulations under 33 CFR part 100 to incorporate the numerous annual marine events held on or around navigable waters within the Eighth Coast Guard District. These events include marine parades, boat races, swim events, and other marine related events. Currently, there is a list of events located at 33 CFR 100.801, establishing a special local regulation for each annual or recurring marine event in the Eighth Coast Guard District's area of responsibility. That list requires amending to provide new information on existing events and updating to include 42 new events expected to recur annually or biannually and remove 16 special local regulations that are not longer required. Issuing individual rulemakings for each new event, event requiring amendment, or removing an event creates unnecessary administrative costs and burdens. This rule considerably reduces administrative overhead and provides the public with notice through publication in the **Federal Register** of the upcoming recurring marine events and their accompanying special local regulations.

The Coast Guard encourages the public to participate in this rulemaking through the comment process so that any changes necessary can be identified and implemented in a timely and efficient manner.

D. Discussion of the Interim Rule

Title 33 CFR part 100 contains regulations to provide effective control over regattas and marine parades conducted on U.S. navigable waters to ensure safety of life in the regattas or marine parade area. Section 100.801 provides the regulations applicable to events taking place in the Eighth Coast Guard District and also provides a table listing each event and special local regulation. This section requires amendment from time to time to update to properly reflect the annually recurring marine events and special local regulations in the Eighth Coast Guard District. This interim rule amends and updates Section 100.801 replacing the current Table 1 with seven separate tables, one for each Sector within the Coast Guard's Eighth District as follows:

Table 1—Sector Ohio Valley
Table 2—Sector Upper Mississippi River
Table 3—Houston Galveston
Table 4—Corpus Christi
Table 5—New Orleans
Table 6—Sector Lower Mississippi River
Table 7—Sector Mobile

Categorizing the events and special local regulations by Sector eliminates dual numbering within the District list and then again by Sector. Listing events and special local regulations by Sector also provides easier reference to a specific event or regulation.

Additionally, this rule adds 42 new events with special local regulations and removes 16 events as follows:

26 events added under the new Table 1 for Sector Ohio Valley.

Date	Sponsor/name	Location	Regulated area
1 day—During the last weekend in May.	Louisville Metro Government/Mayor's Healthy Hometown Subway Fresh Fit, Hike, Bike and Paddle.	Louisville, KY	Ohio River, Mile 602.0–603.5 (Kentucky).
3 days—Second or third weekend in June.	Hadi Shrine/Evansville Freedom Festival Air Show.	Evansville, IN	Ohio River, Mile 791.0–795.0 (Indiana).
1 day—First or second weekend in June.	Southern Indiana Triathlon Inc./Southern Indiana Triathlon.	Louisville, KY	Ohio River, Mile 600.0–603.0 (Kentucky).
1 day—Last weekend in June	SOS Triathlon	Louisville, KY	Ohio River, Mile 602.0–603.5 (Kentucky).
1 day—Second or third Saturday in July.	Allegheny Mountain LMSC/Search for Monongy.	Pittsburgh, PA	Allegheny River, Mile 0.0–0.6 (Pennsylvania).
1 day—July 4th	Wellsburg 4th of July Committee/Wellsburg 4th of July Fireworks.	Wellsburg, WV	Ohio River, Mile 73.5–74.5 (West Virginia).
1 day—During the first week of July.	Evansville Freedom Celebration	Evansville, IN	Ohio River, Mile 791.0–795.0 (Indiana).
1 day—First weekend in September.	Louisville Metro Government/Mayor's Healthy Hometown Subway Fresh Fit, Hike, Bike and Paddle.	Louisville, KY	Ohio River, Mile 602.0–603.5 (Kentucky).
1 day—First or second weekend in July.	City of Livermore/City of Livermore Canoe Race.	Livermore, KY	Green River, Mile 71.0–71.5 (Kentucky).
1 day—First or second weekend in July.	Jam Brand Sports, LLC/Buckhead Border Challenge Triathlon.	Louisville, KY	Ohio River, Mile 602.0–604.0 (Kentucky).
2 days—First or second weekend in July.	Dare to Care/KFC Mayor's Cup Paddle Sports Races.	Louisville, KY	Ohio River, Mile 600.0–604.0 (Kentucky).
1 day—First weekend in August	Kentucky Derby Festival/Venetian Boat Parade Festival.	New Albany, IN	Ohio River, Mile 596.0–604.3 (Indiana).
1 day—Second weekend in August	North Oldham High School/North Oldham Ohio River Swim.	LaGrange, KY	Ohio River, Mile 595 (Kentucky).
3 days—Fourth weekend in August	Kentucky Drag Boat Association/Thunder on the Green.	Livermore, KY	Green River, Mile 70.0–71.5 (Kentucky).
1 day—Fourth weekend in August	Team Rocket Tri-Club/Rocketman Triathlon.	Huntsville, AL	Tennessee River, Mile 324.0–324.5 (Alabama).
2 days—Fourth weekend in August	Hadi Shrine/Owensboro Air Show	Owensboro, KY	Ohio River, Mile 755.0–759.0 (Kentucky).
1 day—First Sunday in August	HealthyHuntington.org/St. Marys Tri-state Triathlon.	Huntington, WV	Ohio River, Mile 307.3–308.3 (West Virginia).
2 days—First weekend in August	Buckeye Outboard Association/Portsmouth Challenge.	Portsmouth, OH	Ohio River, Mile 355.3–356.7 (Ohio).
1 day—Sunday before Labor Day	Cincinnati Bell, WEBN, and Proctor and Gamble/Riverfest.	Cincinnati, OH	Ohio River, Mile 464.0–476.0 (Kentucky and Ohio) and Licking River Mile 0.0–3.0 (Kentucky).
2 days—First or second weekend in September.	State Dock/Cumberland Poker Run.	Jamestown, KY	Lake Cumberland (Kentucky).
1 day—First or second weekend in September.	Sailing for a Cure Foundation/SFAC Fleur de Lis Regatta.	Louisville, KY	Ohio River, Mile 602.0–604.0 (Kentucky).
1 day—One weekend, last half of September.	Harbor House of Louisville/Ken"Ducky" Derby.	Louisville, KY	Ohio River, Mile 602.0–604.0 (Kentucky).
1st Weekend in July	Eddyville Creek Marina/Thunder Over Eddy Bay.	Eddyville, KY	Cumberland River Mile 46.0–47.0.
1st or 2nd Weekend of July	Prizer Point Marina/4th of July Celebration.	Cadiz, KY	Cumberland River Mile 54.0–55.0.
2 days, last weekend in May or 1st weekend in June.	Racing the Tennessee/Visit Knoxville.	Knoxville, TN	Tennessee River Mile 647.0–648.0.
1 day—Second weekend in September.	Start 2 Finish/Nashvegas Triathlon.	Ashland City, TN	Cumberland River, Mile 157.0–159.0 (Tennessee).

Two events added under the new Table 4 for Sector Corpus Christi.

Date	Event/sponsor	Location	Regulated area
1st or 2nd Saturday and Sunday of September.	Ruff Riders Regatta/Galway Asset Management LLC..	ICWW from South Padre Island to Corpus Christi, TX.	ICWW from South Padre Island to Corpus Christi, TX
1st or 2nd Saturday of December	Port Isabel Annual Lighted Boat Parade/Port Isabel Chamber of Commerce.	Port Isabel, Laguna Madre, TX	All waters within Laguna Madre from Port Isabel and east to South Padre Island.

Ten events added under the new Table 5 for Sector New Orleans.

Date	Event/sponsor	Location	Regulated area
Fri–Sun after Mardi Gras and the following Sat–Sun.	Mardi Gras Regatta New Orleans Yacht Club.	New Orleans, LA Lake Ponchartrain.	South Shore of Lake Ponchartrain, North and Northwest of New Canal Entrance.
Wednesday evenings during Daylight Saving Time.	Wednesday Night Racing Series Southern Yacht Club, New Orleans Yacht Club, Corinthian Sailing Association.	New Orleans, LA Lake Ponchartrain.	South Shore of Lake Ponchartrain, from West End east to the "J" mark.
Friday evenings during Daylight Saving Time.	Friday Night Twilight Series Southern Yacht Club.	New Orleans, LA Lake Ponchartrain.	South Shore of Lake Ponchartrain, within 1 NM of New Canal entrance.
Memorial Day Weekend or last weekend in May.	Juby Wynne One Design Regatta Southern Yacht Club.	New Orleans, LA Lake Ponchartrain.	South shore of Lake Ponchartrain, 4 or 5 race courses, North of New Canal, in the vicinity of the SYC Fixed Marks circle.
Memorial Day (Monday)	Defenders Challenge Southern Yacht Club.	New Orleans, LA Lake Ponchartrain.	South shore of Lake Ponchartrain, within 1 NM of the entrance to New Canal.
Last full weekend of October	Lake Ponchartrain Racing Circuit Southern Yacht Club, New Orleans Yacht Club, Ponchartrain Yacht Club, Tammany Yacht Club.	New Orleans, LA Lake Ponchartrain.	Lake Ponchartrain, East of the Causeway Bridge. Races occur on both North and South Shores, and one race runs across the lake.
First full weekend of November	Southern Soiland Cup Southern Yacht Club.	New Orleans, LA Lake Ponchartrain.	South Shore of Lake Ponchartrain, within 1 NM of the entrance to New Canal.
Weekend before Thanksgiving	Great Oaks Interscholastic Regatta Southern Yacht Club & Interscholastic Sailing Association.	New Orleans, LA Lake Ponchartrain.	South Shore of Lake Ponchartrain, within 1 NM of the entrance to New Canal.
Thanksgiving Day, Friday & Saturday after Thanksgiving.	US Optimist Dinghy Mid-Winter Championship Southern Yacht Club.	New Orleans, LA Lake Ponchartrain.	South shore of Lake Ponchartrain, approximately 1 NM north of New Canal.
December 30 and 31	Sugar Bowl Intercollegiate Regatta Southern Yacht Club.	New Orleans, LA Southern Yacht Club.	South shore of Lake Ponchartrain, within 1 NM North of the entrance to New Canal.

Two events added under the new Table 6 for Sector Lower Mississippi.

Date	Event/sponsor	Sector Lower MS River location	Regulated area
1. 1st Sat in June	Arkansas River Canoe and Kayak Race.	Arkansas River, Little Rock, AR ...	Regulated Area: Arkansas River mile marker 124–118, Little Rock, Ar.
2. 2nd Sat in Sept—2nd Sat in Oct	Dragon Boat Race—Tenn. Clean Water Network.	Wolf River Chute, Memphis, TN ..	Regulated Area: Wolf River Chute, mile marker 0.5 to 2.0, Memphis, TN.

Two events added under the new Table 7 for Sector Mobile.

Date	Event/sponsor	Location	Regulated area
2 Days; Last weekend in April	Moss Point Rockin' the Riverfront Festival/Moss Point Main Street Assoc.	Robertson Lake & O'Leary Lake, Moss Point, MS.	Robertson Lake & O'Leary Lake, all waters enclosed by a bounded area starting at a point on the shore at approximately 30°25′11.0″ N, 088°32′24.4″ W, then east to 30°25′12.9″ N, 088°32′18.0″ W, then south to 30°24′50.9″ N, 088°32′09.6″ W, then west following the shore line back to the starting point at 30°25′11.0″ N, 088°32′24.4″ W.

Date	Event/sponsor	Location	Regulated area
1 Day; Last weekend in April	Jr. League of Tuscaloosa Dragon Boat Race/Junior League of Tuscaloosa.	Black Warrior River, Tuscaloosa, AL.	Black Warrior River, all waters from river miles 340.5 to 341.0, to include the entire width of the river.

This rule removes the following 17 special local regulations from the existing Table 1 to § 100.801 as follows:

Date	Event/sponsor	Location	Regulated area
1 day—Second Saturday in April	Hamar Rowing Club/Marietta Invitational Regatta.	Marietta, OH	Muskingum River, Mile 0.5–1.5 (Ohio).
First Weekend in May	Kentucky Lake Sailing Club/Riddle Cup Regatta.	Grand Rivers, KY	No Regulated Area, Sailing vessels will not impede navigation.
June through October	Common Wealth Yacht Club/CYC Sailing Series.	Grand Rivers, KY	No Regulated Area, Sailing vessels will not impede navigation.
One day during fourth week in July	Oakmont Yacht Club Regatta/Oakmont Yacht Club.	Allegheny River, Oakmont, PA	Allegheny River, mile marker 10.8 to 12.5, Oakmont, PA.
Second weekend in July	Marietta Riverfront Roar	Marietta, OH, Ohio River	Ohio River mile marker 172.6 to 171.6.
First weekend in August	Summerfest	Guyandotte WV. Ohio River	Ohio River mile marker 305.5 to 304.2, 1/2 mile up and down river from the Proctorville Bridge, which crosses from Guyandotte, WV to Proctorville, Oh.
2nd weekend in August	Dragon Boat and River Festival/Cumberland River Compact.	Nashville, TN	Cumberland River mile marker 190.0–192.0.
3rd weekend in August	Pro Wakeboard Tour/World Sports and Marketing.	Knoxville, TN	Tennessee River mile marker 647.0 to 468.0.
Second Weekend in September	Kentucky Lake Sailing Club/Watkins Cup Regatta.	Grand Rivers, KY	No Regulated Area, Sailing vessels will not impede navigation.
Second or Third weekend in September.	Ohio Sternwheel Festival	Parkersburg, WV Ohio River	Restricted area for the sternwheel race reenactment extending from mile marker 172.4 to 170.3.2 on the Ohio River. Safety Zone for the fireworks display, extending from mile marker 171.5 to 172.5 (about 1/2 mile up and down river from the confluence of the Ohio and Muskingum Rivers). (See 33 CFR 165).
3rd weekend in September	Great Nashville Duck Race/Boys and Girls Club of Middle Tennessee.	Nashville, TN	Cumberland River mile marker 190.0–192.0.
Last weekend in September	Waterworks half marathon and sprint races rowing regatta.	Charleston, WV Kanawha River	Kanawha River mile marker 171.7 to 172.7. A regulated area will exist around the confluence of the Muskingum and Ohio Rivers—approximately 1/2 mile each way.
Last Weekend in September	Common Wealth Yacht Club/Commonwealth Cup Regatta.	Grand Rivers, KY	No Regulated Area, Sailing vessels will not impede navigation.
First weekend in October	Kentucky Lake Sailing Club/100K Distance Race.	Grand Rivers, KY	No Regulated Area, Sailing vessels will not impede navigation.
First weekend in October	Star USA Capital City Challenge	Charleston, WV Kanawha River	Kanawha River mile marker 62.2 to 57.2, 1/2 mile upriver from the Daniel Boone Boat Launch downriver 1/2 mile past the confluence of the Elk and Ohio Rivers.
Third Saturday in October	Head of the Kanawha Rowing Regatta.	Kanawha, River	From mile marker 62.4, half mile up river from the Daniel Boone public boat ramp down to mile marker 57.4, half mile downriver from the confluence of the Elk River and the Kanawha River.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation is unnecessary. The marine parades, regattas, and other marine events listed in this rule will restrict vessel traffic in certain areas of Eighth Coast Guard District waters at specified times; however, the effect of this regulation will not be significant because these events are short in duration and the special local regulations restricting and governing vessel movements are also limited in scope and short in duration. Additionally, the public is given advance notification through local forms of notice, the **Federal Register**, and/or Notices of Enforcement and thus will be able to plan operations around the events in advance. Deviations from each special local regulation may be requested through the COTP and each request will be considered on a case-by-case basis.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule may affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit the regulated areas during the marine events and periods of enforcement. The special local regulations will not have a significant economic impact on a substantial number of small entities for the following reasons. These regulations are limited in scope and will be in effect for short periods of times. Before each enforcement period, the Coast Guard COTP will issue maritime advisories widely available to waterway users. Deviations from each special local regulation may be requested through the COTP and each request will be considered on a case-by-case basis.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this interim final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small businesses. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

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

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use

voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 0023.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under section 2.B.2, figure 2–1, paragraph (34)(h) of the Instruction because it involves establishment of special local regulations related to marine event permits for marine parades, regattas, and other marine events. An Environmental analysis and a categorical exclusion determination are not required for these regulations because the environmental review was performed during each marine event permit review process.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100—REGATTAS AND MARINE PARADES

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Amend § 100.801 to revise table 1 and add tables 2 through 7 to read as follows:

§ 100.801 Annual Marine Events in the Eighth Coast Guard District.

* * * * *

TABLE 1 OF § 100.801—OHIO VALLEY CAPTAIN OF THE PORT ZONE ANNUAL AND RECURRING MARINE EVENTS

Date	Event/sponsor	Ohio Valley location	Regulated area
1. The first Saturday in April	University of Charleston Rowing/ West Virginia Governor's Cup Regatta.	Charleston, WV	Kanawha River, Mile 59.9–61.4 (West Virginia).
2. 1 day—Saturday before Memorial Day weekend.	Venture Outdoors/Venture Outdoors Festival.	Pittsburgh, PA	Allegheny River, Mile 000.0–001.0 (Pennsylvania).
3. 1 day—During the last week of April or first week of May.	Kentucky Derby Festival/Belle of Louisville Operating Board/ Great Steamboat Race.	Louisville, KY	Ohio River, Mile 596.0–604.3 (Kentucky).
4. 1 day—First or second weekend in May.	REV3/REV3 Triathlon	Knoxville, TN	Tennessee River, Mile 646.0–649.0 (Tennessee).
5. 1 day—second weekend in June.	Chattanooga Parks and Rec/ Chattanooga River Rats Open Water Swim.	Chattanooga, TN	Tennessee River, Mile 464.0–469.0 (Tennessee).
6. 1 day—Third or fourth weekend in June.	Greater Morgantown Convention and Visitors Bureau/Mountaineer Triathlon.	Morgantown, WV	Monongahela River, Mile 101.0–102.0 (West Virginia).
7. 2 days—First weekend of June	Kentucky Drag Boat Association	Pisgah Bay, KY	Tennessee River, Mile 30.0 (Kentucky).
8. 3 days—Last weekend in June	Thunder on the Ohio/Evansville Freedom Festival.	Evansville, IN	Ohio River, Mile 792.0–793.0 (Indiana).
9. Fourth Sunday in June	Green Umbrella/Ohio River Paddlefest.	Cincinnati, OH	Ohio River Mile 459.5–470.2 (Ohio and Kentucky).
10. 1 day—Fourth or fifth Sunday in September.	Green Umbrella/Great Ohio River Swim.	Cincinnati, OH	Ohio River Mile 469.8–470.2 (Ohio and Kentucky).
11. 1 day—Third or fourth Sunday of July.	Tucson Racing/Cincinnati Triathlon.	Cincinnati, OH	Ohio River Mile 469.3–470.2 (Ohio).
12. 2 days—First weekend of July	Kentucky Drag Boat Association	Pisgah Bay, KY	Tennessee River, Mile 30.0 (Kentucky).
13. 3 days—One of the first two weekends in July.	Madison Regatta, Inc./Madison Regatta.	Madison, IN	Ohio River, Mile 555.0–560.0 (Indiana).
14. 1 day—Third weekend in July	Headfirst Performance/Cardinal Harbor Triathlon.	Finchville, KY	Ohio River, Mile 595 (Kentucky).
15. 1 day—Second weekend in July.	Team Magic/Chattanooga Waterfront Triathlon.	Chattanooga, TN	Tennessee River, Mile 463.0–465.0 (Tennessee).
16. 1 day—Fourth weekend in July	Team Magic/Music City Triathlon	Nashville, TN	Cumberland River, Mile 190.0–192.0 (Tennessee).
17. 2 days—Last two weekends in July or first week of August.	Friends of the Riverfront Inc./Pittsburgh Triathlon and Adventure Races.	Pittsburgh, PA	Allegheny River, Mile 000.0–001.0 (Pennsylvania).
18. 2 days—First weekend of August.	Kentucky Drag Boat Association	Pisgah Bay, KY	Tennessee River, Mile 30.0 (Kentucky).
19. 1 day—First or second weekend in August.	Evansville Goodwill Industries/ Ducks on the Ohio.	Evansville, IN	Ohio River, Mile 792.0–796.0 (Indiana).
20. 2 days—Fourth weekend in August.	Norton Healthcare/Ironman Triathlon.	Louisville, KY	Ohio River, Mile 601.5–604.5 (Kentucky).

TABLE 1 OF § 100.801—OHIO VALLEY CAPTAIN OF THE PORT ZONE ANNUAL AND RECURRING MARINE EVENTS—Continued

Date	Event/sponsor	Ohio Valley location	Regulated area
21. 2 days—Third full weekend (Saturday and Sunday) in August.	Ohio County Tourism/Rising Sun Boat Races.	Rising Sun, IN	Ohio River Mile 504.0–508.0 (Indiana and Kentucky).
22. 3 days—Third weekend in August.	Governors' Cup / UWP–IJSBA National Championships.	Charleston, WV	Kanawha River, Mile 56.7–57.6 (West Virginia).
23. 2 days—Fourth weekend in July.	Herd Racing LLC/Huntington Classic.	Huntington, WV	Ohio River, Mile 307.3–309.3 (West Virginia).
24. 2 days—Last weekend in September.	Fall Records Challenge Committee/Fall Records Challenge.	New Martinsville, WV	Ohio River, Mile 128.5–129.5 (West Virginia).
25. 1 day—Labor Day weekend	Wheeling Vintage Race Boat Association Ohio/Wheeling Vintage Regatta.	Wheeling, WV	Ohio River, Mile 090.4–091.5 (West Virginia).
26. 1 day—First weekend in September.	Cumberland River Compact/Cumberland River Dragon Boat Festival.	Nashville, TN	Cumberland River, Mile 190.0–192.0.
27. 2 days—First or second weekend in September.	State Dock/Cumberland Poker Run.	Jamestown, KY	Lake Cumberland (Kentucky).
28. 1 day—First or second weekend in September.	Sailing for a Cure Foundation/SFAC Fleur de Lis Regatta.	Louisville, KY	Ohio River, Mile 602.0–604.0 (Kentucky).
29. 1 day—One weekend, last half of September.	Harbor House of Louisville/Ken"Ducky" Derby.	Louisville, KY	Ohio River, Mile 602.0–604.0 (Kentucky).
30. 1 day—Second weekend in September.	City of Clarksville/Clarksville Riverfest.	Clarksville, TN	Cumberland River, Mile 125.0–126.0 (Tennessee).
31. 1 day—First weekend of October.	Three Rivers Rowing Association/Head of the Ohio Regatta.	Pittsburgh, PA	Allegheny River, Mile 000.0–003.5 (Pennsylvania).
32. 1 day—First or second weekend in October.	Lookout Rowing Club/Chattanooga Head Race.	Chattanooga, TN	Tennessee River, Mile 464.0–467.0 (Tennessee).
33. 3 days—First weekend in November.	Atlanta Rowing Club/Head of the Hooch Rowing Regatta.	Chattanooga, TN	Tennessee River, Mile 464.0–467.0 (Tennessee).
34. One Saturday in June or July	Paducah Summer Festival/Cross River Swim.	Paducah, KY	Ohio River Mile 934–936 (Kentucky).
35. 1 day—During the last weekend in May.	Louisville Metro Government/Mayor's Healthy Hometown Subway Fresh Fit, Hike, Bike and Paddle.	Louisville, KY	Ohio River, Mile 602.0–603.5 (Kentucky).
36. 3 days—Second or third weekend in June.	Hadi Shrine/Evansville Freedom Festival Air Show.	Evansville, IN	Ohio River, Mile 791.0–795.0 (Indiana).
37. 1 day—First or second weekend in June.	Southern Indiana Triathlon Inc./Southern Indiana Triathlon.	Louisville, KY	Ohio River, Mile 600.0–603.0 (Kentucky).
38. 1 day—Last weekend in June	SOS Triathlon	Louisville, KY	Ohio River, Mile 602.0–603.5 (Kentucky).
39. 1 day—Second or third Saturday in July.	Allegheny Mountain LMSC/Search for Monongy.	Pittsburgh, PA	Allegheny River, Mile 0.0–0.6 (Pennsylvania).
40. 1 day—July 4th	Wellsburg 4th of July Committee/Wellsburg 4th of July Fireworks.	Wellsburg, WV	Ohio River, Mile 73.5–74.5 (West Virginia).
41. 1 day—During the first week of July.	Evansville Freedom Celebration	Evansville, IN	Ohio River, Mile 791.0–795.0 (Indiana).
42. 1 day—First weekend in September.	Louisville Metro Government/Mayor's Healthy Hometown Subway Fresh Fit, Hike, Bike and Paddle.	Louisville, KY	Ohio River, Mile 602.0–603.5 (Kentucky).
43. 1 day—First or second weekend in July.	City of Livermore/City of Livermore Canoe Race.	Livermore, KY	Green River, Mile 71.0–71.5 (Kentucky).
44. 1 day—First or second weekend in July.	Jam Brand Sports, LLC/Buckhead Border Challenge Triathlon.	Louisville, KY	Ohio River, Mile 602.0–604.0 (Kentucky).
45. 2 days—First or second weekend in July.	Dare to Care/KFC Mayor's Cup Paddle Sports Races.	Louisville, KY	Ohio River, Mile 600.0–604.0 (Kentucky).
46. 1 day—First weekend in August.	Kentucky Derby Festival/Venetian Boat Parade Festival.	New Albany, IN	Ohio River, Mile 596.0–604.3 (Indiana).
47. 1 day—Second weekend in August.	North Oldham High School/North Oldham Ohio River Swim.	LaGrange, KY	Ohio River, Mile 595 (Kentucky).
48. 3 days—Fourth weekend in August.	Kentucky Drag Boat Association/Thunder on the Green.	Livermore, KY	Green River, Mile 70.0–71.5 (Kentucky).
49. 1 day—Fourth weekend in August.	Team Rocket Tri-Club/Rocketman Triathlon.	Huntsville, AL	Tennessee River, Mile 324.0–324.5 (Alabama).
50. 2 days—Fourth weekend in August.	Hadi Shrine/Owensboro Air Show	Owensboro, KY	Ohio River, Mile 755.0–759.0 (Kentucky).
51. 1 day—First Sunday in August	HealthyHuntington.org/St. Marys Tri-state Triathlon.	Huntington, WV	Ohio River, Mile 307.3–308.3 (West Virginia).

TABLE 1 OF § 100.801—OHIO VALLEY CAPTAIN OF THE PORT ZONE ANNUAL AND RECURRING MARINE EVENTS—Continued

Date	Event/sponsor	Ohio Valley location	Regulated area
52. 2 days—First Weekend in August.	Buckeye Outboard Association/Portsmouth Challenge.	Portsmouth, OH	Ohio River, Mile 355.3–356.7 (Ohio).
53. 1 day—Sunday before Labor Day.	Cincinnati Bell, WEBN, and Proctor and Gamble/Riverfest.	Cincinnati, OH	Ohio River, Mile 464.0–476.0 (Kentucky and Ohio) and Licking River Mile 0.0–3.0 (Kentucky).
54. 2 days—First or second weekend in September.	State Dock/Cumberland Poker Run.	Jamestown, KY	Lake Cumberland (Kentucky).
55. 1 day—First or second weekend in September.	Sailing for a Cure Foundation/SFAC Fleur de Lis Regatta.	Louisville, KY	Ohio River, Mile 602.0–604.0 (Kentucky).
56. 1 day—One weekend, last half of September.	Harbor House of Louisville/Ken''Ducky'' Derby.	Louisville, KY	Ohio River, Mile 602.0–604.0 (Kentucky).
57. 1st Weekend in July	Eddyville Creek Marina/Thunder Over Eddy Bay.	Eddyville, KY	Cumberland River Mile 46.0–47.0.
58. 1st or 2nd Weekend of July	Prizer Point Marina/4th of July Celebration.	Cadiz, KY	Cumberland River Mile 54.0–55.0.
59. 2 days, last weekend in May or 1st weekend in June.	Racing the Tennessee/Visit Knoxville.	Knoxville, TN	Tennessee River Mile 647.0–648.0.
60. 1 day—Second weekend in September.	Start 2 Finish/Nashvegas Triathlon.	Ashland City, TN	Cumberland River, Mile 157.0–159.0 (Tennessee).

TABLE 2 OF § 100.801—SECTOR UPPER MISSISSIPPI RIVER ANNUAL AND RECURRING MARINE EVENTS

Date	Event/sponsor	Upper Mississippi River location	Regulated area
1. 1 day—Third Saturday in May	Clear Lake Chapter of the ACBS/That was then, This is Now Boat Show & Exhibition.	Quad Cities, IL	Upper Mississippi River mile marker 454.0 to 456.0 (Iowa).
2. 1 day—Third Saturday in March	Lake West Chamber of Commerce/St. Patrick's Water Parade.	Lake of the Ozarks, MO	Lake of the Ozarks mile marker 5.0 to 10.0 (Missouri).
3. 1 day—Third Saturday in July	Marine Max/Aqua Plooza	Lake of the Ozarks, MO	Lake of the Ozarks Mile marker 18.7 to 19.3 (Missouri).
4. 2 days—Third weekend in July	Champboat Series LLC/Aquatennial Power Boat Grand Prix.	Minneapolis, MN	Upper Mississippi River mile marker 854.8 to 855.8 (Minnesota).
5. 2 days—Third weekend in June	Lake City Chamber of Commerce/Water Ski Days.	Lake City, MN	Upper Mississippi River mile marker 772.4 to 772.8 (Minnesota).
6. 2 days—First week of August	River City Days Association/River City Days.	Red Wing, MN	Upper Mississippi River mile marker 791.4 to 791.8 (Minnesota).
7. 2 days—Second weekend of September.	St. Louis Drag Boat Association/New Athens Drag Boat Race.	New Athens, IL	Kaskaskia River mile marker 28.0 to 29.0 (Illinois).
8. 2 days—Third weekend in July	Havana Chamber of Commerce/Havana Boat Races.	Havana, IL	Illinois River mile marker 120.3 to 119.7 (Illinois).
9. 3 days—Third weekend in August.	K.C. Aviation Expo & Air Show/K.C. Aviation Expo & Air Show.	Kansas City, MO	Missouri River mile marker 366.3 to 369.8 (Missouri).
10. 3 days a week from May 4th–September 30th.	Twin City River Rats Organization/Twin City River Rats.	Twin Cities, MN	Upper Mississippi River mile marker 855.4 to 855.8 (Minnesota).

TABLE 3 OF § 100.801—SECTOR HOUSTON-GALVESTON ANNUAL AND RECURRING MARINE EVENTS

Date	Event/sponsor	Houston-Galveston location	Regulated area
1. A Saturday evening within the Mardi Gras Season (February or March).	Yachty Gras	Clear Lake, TX	Clear Creek Channel from approximate position Latitude 29°33′16.8″ N, Longitude 095°03′39.6″ W in Clear Lake thence east/northeast in the Clear Creek Channel to approximate position Latitude 29°32′58.8″ N, Longitude 095°00′30.6″ W in Galveston Bay. (NAD 83).

TABLE 3 OF § 100.801—SECTOR HOUSTON-GALVESTON ANNUAL AND RECURRING MARINE EVENTS—Continued

Date	Event/sponsor	Houston-Galveston location	Regulated area
2. A Saturday morning in April	Memorial Hermann Gateway to the Bay Triathlon.	Galveston Bay, TX	Galveston Bay within an area beginning at Latitude 29°32′38.02″ N, Longitude 095°00′58.30″ W thence east to Latitude 29°32′46.73″ N, Longitude 094°59′50.36″ W, thence south to Latitude 29°32′36.98″ N, Longitude 094°59′50.32″ W, thence west to 29°32′30.86″ N, Longitude 095°00′56.91″ W thence along the shoreline to the point of beginning. (NAD 83).
3. The 1st Sunday afternoon in May.	Blessing of the Fleet	Clear Lake, TX	Clear Creek Channel from approximate position Latitude 29°33′16.8″ N, Longitude 095°03′39.6″ W in Clear Lake thence east/northeast in the Clear Creek Channel to approximate position Latitude 29°32′58.8″ N, Longitude 095°00′30.6″ W in Galveston Bay. (NAD 83).
4. 3 days during the 1st weekend in May (including partial weekends).	RiverFest Power Boat Races/Port Neches Chamber of Commerce.	Neches River, Port Neches, TX ...	Adjacent to Port Neches Park—all waters of the Neches River shoreline to shoreline south of 30°00′08″ N and west of 093°56′00″ W (NAD 83).
5. 2nd or 3rd weekend in September.	SPORT Power Boat Races/City of Orange, TX Convention/Visitors Bureau.	Sabine River, Orange, TX	Adjacent to the Orange, TX public boat ramp—all waters of the Sabine River, shoreline to shoreline, south of 30°05′33″ N and north of 30°05′45″ N (NAD 83).
6. The 2nd Saturday night in December.	Christmas Boat Parade on Clear Lake.	Clear Lake, TX	Clear Creek Channel from approximate position Latitude 29°33′16.8″ N, Longitude 095°03′39.6″ W in Clear Lake thence east/northeast in the Clear Creek Channel to approximate position Latitude 29°32′58.8″ N, Longitude 095°00′30.6″ W in Galveston Bay. (NAD 83).

TABLE 4 OF § 100.801—SECTOR CORPUS CHRISTI ANNUAL AND RECURRING MARINE EVENTS

Date	Event/sponsor	Corpus Christi location	Regulated area
1. 2nd, 3rd or 4th Wednesday thru Sunday in April.	Corpus Christi Yacht Club/World Kite-boarding Championship.	Corpus Christi Bay, Corpus Christi, TX.	All waters contained within 1-mile of McGee Beach where participants will race through course markers.
2. 2nd, 3rd or 4th Thursday thru Saturday in April.	M.M.D. Communications Corporation/Texas International Boat Show.	Corpus Christi Marina/Corpus Christi, TX.	All waters inside the Corpus Christi Marina Breakwater, Corpus Christi, TX.

TABLE 4 OF § 100.801—SECTOR CORPUS CHRISTI ANNUAL AND RECURRING MARINE EVENTS—Continued

Date	Event/sponsor	Corpus Christi location	Regulated area
3. 2nd, 3rd or 4th Thursday thru Saturday in April OR 1st or 2nd Thursday thru Saturday in May.	American Power Boat Association/Power Boat Races.	Corpus Christi Bay, Corpus Christi, TX.	All waters of the Corpus Christi Marina contained between the People's Street T-Head on the west, the primary breakwater on the east, the southern boundary running from the southernmost tip of the People's Street T-Head (approx 27–47–43.4N 097–23–16W) along a line running due east to the breakwater (approx 27–47–43.8N 097–23–5.2W), and the northern boundary line running from the northern most tip of the secondary breakwater (approx 27–47–57N 097–23–21.7W) and the end of the primary breakwater (approx 27–47–59.1N 097–23–9.5W).
4. 3rd or 4th Friday–Sunday in April.	Corpus Christi Yacht Club/Port Aransas Ladies Regatta.	Corpus Christi Bay, Corpus Christi, TX.	All waters south of the Corpus Christi Ship Channel and 5-miles East of the Corpus Christi Marina.
5. 2nd, 3rd or 4th Thursday–Sunday in May.	Corpus Christi Yacht Club/Melges 24′ Championship Regatta.	Corpus Christi Bay, Corpus Christi, TX.	All waters south of the Corpus Christi Ship Channel and 5-miles East of the Corpus Christi Marina.
6. 1st or 2nd Friday and Saturday in June.	Corpus Christi Yacht Club/Changes in L'Attitude Regatta.	Corpus Christi Bay, Corpus Christi, TX.	All waters south of the Corpus Christi Ship Channel and 5-miles East of the Corpus Christi Marina.
7. 1st or 2nd Saturday and Sunday in August.	Corpus Christi Yacht Club/Navy Regatta.	Corpus Christi Bay, Corpus Christi, TX.	All waters south of the Corpus Christi Ship Channel and 5-miles East of the Corpus Christi Marina.
8. 3rd or 4th Wednesday thru Saturday in August.	Corpus Christi Yacht Club/Corpus Christi Race Week.	Corpus Christi Bay, Corpus Christi, TX.	All waters south of the Corpus Christi Ship Channel and 5-miles East of the Corpus Christi Marina.
9. 3rd or 4th Friday and Saturday in September.	Corpus Christi Yacht Club/Bill Best Regatta.	Corpus Christi Bay, Corpus Christi, TX.	All waters south of the Corpus Christi Ship Channel and 5-miles East of the Corpus Christi Marina.
10. 1st Saturday in December	City of Corpus Christi/Harbor Lights Boat Parade.	Corpus Christi Marina/Corpus Christi, TX.	All waters inside the Corpus Christi Marina Breakwater, Corpus Christi, TX.
11. 1st or 2nd Friday and Saturday in December.	Aransas Pass Yacht Club/Christmas Lighted Boat Parade.	Conn Brown Harbor/Aransas Pass, TX.	All waters contained within Conn Brown Harbor in Aransas Pass, TX.
12. 1st or 2nd Friday and Saturday in December.	Padre Island Yacht Club/La Posada Lighted Boat Parade.	Canals along the North Padre Island in Corpus Christi, TX.	All waters along the parade route contained within the North Padre Island canals in Corpus Christi, TX.
13. 1st or 2nd Friday thru Sunday in December.	Corpus Christi Yacht Club/Frost Bite Regatta.	Corpus Christi Bay, Corpus Christi, TX.	All waters south of the Corpus Christi Ship Channel and 5-miles East of the Corpus Christi Marina.
14. 1st or 2nd Saturday and Sunday of September.	Ruff Riders Regatta/Galway Asset Management LLC.	ICWW from South Padre Island to Corpus Christi, TX.	ICWW from South Padre Island to Corpus Christi, TX.
15. 1st or 2nd Saturday of December.	Port Isabel Annual Lighted Boat Parade/Port Isabel Chamber of Commerce.	Port Isabel, Laguna Madre, TX	All waters within Laguna Madre from Port Isabel and east to South Padre Island.

TABLE 5 OF § 100.801—SECTOR NEW ORLEANS ANNUAL AND RECURRING MARINE EVENTS

Date	Event/sponsor	New Orleans location	Regulated area
1. The Monday before Mardi Gras	Riverwalk Marketplace, Lundi Gras Boat Parade.	Mississippi River, New Orleans, LA.	Lower Mississippi River, Above Head of Passes, from mile marker 93 to 96, extending the entire width of the river in the vicinity of the Riverwalk, New Orleans, LA.
2. One day during the last weekend of April.	Family Fun Festival Pirogue Race/Bayou Civic Club.	Larose, LA	In Bayou Lafourche, race begins at LA HWY 657 (Lat: 29°34′17.29″ N; Long: 090°22′58.60″ W) and ends at the Larose Locks (Lat: 29°34′06.20″ N; Long: 090°22′26.50″ W) Part of Bayou Lafourche will be closed for 30 minutes to vessel traffic for race to occur.
3. The 3rd Sunday in April	Blessing of the Shrimp Fleet/St. Joseph's Catholic Church.	Chauvin, LA	Starts at Bayou Petit Caillou (Lat: 29°27′43.84″ N; Long: 090°35′19.50″ W) and continues to Lake Boudreaux/Boudreaux Canal (Lat: 29°23′30.83″ N; Long: 090°38′13.64″ W).
4. The 1st weekend after Easter	Blessing of the Fleet and Boat Parade/Our Lady of Prompt Succor Catholic Church.	Golden Meadow, LA	Starts on Bayou Lafourche at Our Lady of Prompt Succor Catholic Church (Lat: 29°23′47.25″ N; Long: 090°16′17.72″ W) to the Parish Limits (Lat: 29°25′09.96″ N; Long: 090°17′12.26″ W) to the end of Golden Meadow Business District (Lat: 29°22′16.86″ N; Long: 090°15′32.46″ W) and returning to starting point.
5. The 2nd Sunday after Easter	Grand Caillou Boat Blessing/Holy Family Church.	Dulac, LA	Bayou Grand Caillou, Starts 29°25′30.98″ N, 090°41′59.91″ W; to 29°14′42.13″ N, 090°44′03.57″ W; to 29°22′15.44″ N, 090°43′53.84″ W; and returning to starting point.
6. Month of July	Deep South Racing Association/Battle at the Butte.	Atchafalaya River at Butte La Rose, LA.	Atchafalaya River, Butte La Rose, LA.
7. Month of July or August	Battle of the Basin Boat Races, Morgan City, LA.	Morgan City, LA	Morgan City Port Allen Route at mile marker 4.5, Morgan City, LA.
8. 1st weekend of September	LA Shrimp and Petroleum Festival Fleet Blessing, LA Shrimp and Petroleum Festival and Fair Association.	Morgan City, LA	Atchafalaya River at mile marker 118.5, Morgan City, LA.
9. Fri–Sun after Mardi Gras and the following Sat–Sun.	Mardi Gras Regatta New Orleans Yacht Club.	New Orleans, LA Lake Ponchartrain.	South Shore of Lake Ponchartrain, North and Northwest of New Canal Entrance.
10. Wednesday evenings during Daylight Saving Time.	Wednesday Night Racing Series Southern Yacht Club, New Orleans Yacht Club, Corinthian Sailing Association.	New Orleans, LA Lake Ponchartrain.	South Shore of Lake Ponchartrain, from West End east to the "J" mark.
11. Friday evenings during Daylight Saving Time.	Friday Night Twilight Series Southern Yacht Club.	New Orleans, LA Lake Ponchartrain.	South Shore of Lake Ponchartrain, within 1 NM of New Canal entrance.
12. Memorial Day Weekend or last weekend in May.	Juby Wynne One Design Regatta Southern Yacht Club.	New Orleans, LA Lake Ponchartrain.	South shore of Lake Ponchartrain, 4 or 5 race courses, North of New Canal, in the vicinity of the SYC Fixed Marks circle.
13. Memorial Day (Monday)	Defenders Challenge Southern Yacht Club.	New Orleans, LA Lake Ponchartrain.	South shore of Lake Ponchartrain, within 1 NM of the entrance to New Canal.

TABLE 5 OF § 100.801—SECTOR NEW ORLEANS ANNUAL AND RECURRING MARINE EVENTS—Continued

Date	Event/sponsor	New Orleans location	Regulated area
14. Last full weekend of October ...	Lake Ponchartrain Racing Circuit Southern Yacht Club, New Orleans Yacht Club, Ponchartrain Yacht Club, Tammany Yacht Club.	New Orleans, LA Lake Ponchartrain.	Lake Ponchartrain, East of the Causeway Bridge. Races occur on both North and South Shores, and one race runs across the lake.
15. First full weekend of November	Southern Soiland Cup Southern Yacht Club.	New Orleans, LA Lake Ponchartrain.	South Shore of Lake Ponchartrain, within 1 NM of the entrance to New Canal.
16. Weekend before Thanksgiving	Great Oaks Interscholastic Regatta Southern Yacht Club & Interscholastic Sailing Association.	New Orleans, LA Lake Ponchartrain.	South Shore of Lake Ponchartrain, within 1 NM of the entrance to New Canal.
17. Thanksgiving Day, Friday & Saturday after Thanksgiving.	US Optimist Dinghy Mid-Winter Championship Southern Yacht Club.	New Orleans, LA Lake Ponchartrain.	South shore of Lake Ponchartrain, approximately 1 NM north of New Canal.
18. December 30 and 31	Sugar Bowl Intercollegiate Regatta Southern Yacht Club.	New Orleans, LA Southern Yacht Club.	South shore of Lake Ponchartrain, within 1 NM North of the entrance to New Canal.

TABLE 6 OF § 100.801—SECTOR LOWER MISSISSIPPI RIVER ANNUAL AND RECURRING MARINE EVENTS

Date	Event/sponsor	Sector Lower MS River location	Regulated area
1. The 1st or 2nd Saturday in June	Memphis in May Canoe & Kayak Race/Outdoor Inc.	Lower Mississippi River, Memphis, TN.	Regulated Area: Lower Mississippi River, mile marker 735.5 to 738.5, Memphis, TN.
2. Second Saturday in October	Phatwater Kayak Challenge/ Phatwater Kayak Challenge Inc.	Lower Mississippi River, Natchez, MS.	Regulated Area: Lower Mississippi River, mile marker 363.0 to 405.0, Natchez, MS.
3. 1st of January	Ski Freeze/The Dream Factory of Memphis.	Wolf River Chute, Memphis, TN ..	Regulated Area: Wolf River Chute, mile marker 1.0 to 3.0, Memphis, TN.
4. 2nd or 3rd Saturday in April	BluzCruz Kayak Marathon/ BluzCruz Race Committee.	Lower Mississippi River, Vicksburg, MS.	Regulated Area: Lower Mississippi River, mile marker 457.4 to 437.4, Vicksburg, MS.
5. 3rd Sat in Apr to 2nd Sat in May	Maria Montessori Regatta/Maria Montessori School.	Wolf River Chute, Memphis, TN ..	Regulated Area: Wolf River Chute, mile marker 1.0 to 3.0, Memphis, TN.
6. 1st Sat in June	Arkansas River Canoe and Kayak Race.	Arkansas River, Little Rock, AR ...	Regulated Area: Arkansas River mile marker 124–118, Little Rock, Ar.
7. 2nd Sat in Sept–2nd Sat in Oct	Dragon Boat Race—Tenn. Clean Water Network.	Wolf River Chute, Memphis, TN ..	Regulated Area: Wolf River Chute, mile marker 0.5 to 2.0, Memphis, TN.

TABLE 7 OF § 100.801—SECTOR MOBILE ANNUAL AND RECURRING MARINE EVENTS

Date	Event/sponsor	Sector Mobile location	Regulated area
1. 1 Day; Fat Tuesday (Mardi Gras Day).	Mardi Gras Boat Parade/Gulf Shores Homeport Marina.	Intracoastal Waterway, Orange Beach, AL to Gulf Shores, AL.	Intracoastal Waterway mile marker 155.0 to 159.0 (EHL), Starts at the Wharf Marina, Orange Beach, AL and heads west to Homeport Marina, Gulf Shores, AL.
2. 1 Day; 1st weekend following Fat Tuesday.	Mobile Boat Show/Gulf Coast Shows.	Mobile River, Mobile, AL	Mobile River, all waters half a mile down river and half a mile upriver from the Arthur R. Outlaw Convention Center.
3. 1 Day; 1st or 2nd Saturday in March.	Battle on the Bayou/South Coast Paddling Company.	Old Fort Bayou, Ocean Springs, MS.	Old Fort Bayou, from Gulf Hills Hotel to the Shed Barbeque.
4. 1 Day; Mid March to Mid April ...	Rowing Competition/University of South Alabama.	Black Warrior River, Tuscaloosa, AL.	Black Warrior River, all waters between river miles 339.0 to 341.5.
5. 2 Days; 3rd weekend in March	Chattahoochee Challenge/City of Chattahoochee.	Apalachicola River, Chattahoochee, GA.	Apalachicola River, all waters between river miles 104.6 and 106.0.
6. 1 Day; Last Saturday in March ..	Blessing of the Fleet/Panama City Marina.	Saint Andrew Bay, Panama City, FL.	Saint Andrew Bay, all waters extending 100 yards out from the Panama City Marina seawall.

TABLE 7 OF § 100.801—SECTOR MOBILE ANNUAL AND RECURRING MARINE EVENTS—Continued

Date	Event/sponsor	Sector Mobile location	Regulated area
7. 1 Day; 2nd or 3rd weekend in April.	USAT Triathlon/Tuscaloosa Tourism and Sports Commission.	Black Warrior River, Tuscaloosa, AL.	Black Warrior River, all waters between river miles 338.5 to 339.5.
8. 2 Days; Between the 1st week in April to the last week in May.	Smokin the Sound/Smokin the Sound.	Biloxi Channel, Biloxi, MS	Biloxi Channel, all waters between channel markers 2 thru 35, to include the entire width of the channel.
9. 2 Days; Between the 1st week in April to the last week in May.	Smokin the Lake/Smokin the Sound.	Gulfport Lake, Gulfport, MS	Gulfport Lake, all waters bounded by the following coordinates: Eastern boundary; Latitude 30°25′36″ N, Longitude 089°03′8″ W to Latitude 30°25′26″ N, Longitude 089°03′8″ W. Western boundary; Latitude 30°25′32″ N, Longitude 089°03′59″ W, to Latitude 30°25′26″ N, Longitude 089°03′59″ W.
10. 1 Day; Next to last or last weekend in April.	Dauphin Island Race/Fairhope, Lake Forest, Mobile, and Buccaneer Yacht Clubs.	Mobile Bay, Mobile, AL	Mobile Bay, all waters of the Mobile Ship Channel between channel markers 37 & 38 thru channel markers 49 & 50, to include the entire width of the channel.
11. 1 Day; 1st or 2nd Sunday in May.	Blessing of the Fleet/St. Margaret's Catholic Church.	Bayou La Batre, Bayou La Batre, AL.	All waters of Bayou La Batre from the Hwy 188 lift bridge, south to Portersville Bay.
12. 2 Days; 1st weekend in June ..	Billy Bowlegs Pirate Festival/Greater Fort Walton Beach Chamber of Commerce.	Santa Rosa Sound, Ft. Walton Beach, FL.	Santa Rosa Sound, including all waters between an eastern boundary represented by positions 30°24′22.5″ N, 086°35′14.0″ W; 30°23′51.4″ N, 086°35′14.0″ W, and a western boundary represented by positions 30°24′13.5″ N, 086°37′11.0″ W; 30°23′58.5″ N, 086°37′11.0″ W.
13. 1 Day; 1st Sunday in June	Blessing of the Fleet/St. Michael's Catholic Church.	Biloxi Channel, Biloxi, MS	All of Biloxi Channel.
14. 4 Days; In October	Thunder on the Gulf/Gulf Coast Power Boat Association.	Gulf of Mexico, Orange Beach, AL.	Gulf of Mexico for the waters off Orange Beach, AL, enclosed by a box starting at a point on the shore at approximately 30°15′39″ N, 087°36′42″ W, then south to 30°14′54″ N, 087°36′42″ W, then east, roughly parallel to the shore line to 30°15′22″ N, 087°33′31″ W, then north to a point on the shore at approximately 30°16′13″ N, 087°33′31″ W.
15. 1 Day; Saturday following Thanksgiving.	Boat Parade of Lights/City of Panama City & St. Andrews Waterfront Partnership.	Saint Andrew Bay, Panama City, FL.	Saint Andrew Bay, Starts at Saint Andrew Bay Yacht Club and ends at Saint Andrew Bay Marina.
16. 1 Day; 1st Saturday in December.	Christmas on the River/Demopolis Area Chamber of Commerce.	Tombigbee River, Demopolis, AL	Tombigbee River, all waters from river miles 215.5 to 217.0, to include the entire width of the river.
17. 1 Day; 1st Saturday in December.	Christmas by the River/Moss Point Active Citizens.	Beardslee Lake & Robertson Lake, Moss Point, MS.	All waters of East Beardslee Lake near Hwy 613 bridge to West Robertson Lake parallel to Hwy 613 and south to the Jackson County Ski Area.
18. 1 Day; 1st Saturday in December.	Christmas on the Water/Christmas on the Water Committee.	Biloxi Channel, Biloxi, MS	Biloxi Channel, all waters from channel marker 4 to channel marker 30, to include the entire width of the channel.

TABLE 7 OF § 100.801—SECTOR MOBILE ANNUAL AND RECURRING MARINE EVENTS—Continued

Date	Event/sponsor	Sector Mobile location	Regulated area
19. 2 Days; Last weekend in April	Moss Point Rockin' the Riverfront Festival/Moss Point Main Street Assoc.	Robertson Lake & O'Leary Lake, Moss Point, MS.	Robertson Lake & O'Leary Lake, all waters enclosed by a bounded area starting at a point on the shore at approximately 30°25′11.0″ N, 088°32′24.4″ W, then east to 30°25′12.9″ N, 088°32′18.0″ W, then south to 30°24′50.9″ N, 088°32′09.6″ W, then west following the shore line back to the starting point at 30°25′11.0″ N, 088°32′24.4″ W.
20. 1 Day; Last weekend in April ..	Jr. League of Tuscaloosa Dragon Boat Race/Junior League of Tuscaloosa.	Black Warrior River, Tuscaloosa, AL.	Black Warrior River, all waters from river miles 340.5 to 341.0, to include the entire width of the river.

Dated: April 7, 2014.

Kevin Cook,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2014–09062 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0254]

Drawbridge Operation Regulation; Jamaica Bay and Connecting Waterways, Queens, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Gil Hodges (Marine Parkway) Bridge across the Jamaica Bay, mile 3.0 at Queens, New York. This temporary deviation authorizes the bridge to remain in the closed position for three days to facilitate mechanical repairs at the bridge.

DATES: This deviation is effective from 7 a.m. on April 28, 2014 through 5 p.m. on April 30, 2014.

ADDRESSES: The docket for this deviation [USCG–2014–0254] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140, on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC, 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 668–7165, email *judy.k.leung-yee@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Gil Hodges (Marine Parkway) Bridge across the Jamaica Bay at mile 3.0, at Queens, New York, has 55 feet of vertical clearance at mean high water and 59 feet of vertical clearance at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.795(a).

The owner of the bridge, MTA Bridges & Tunnels, requested a temporary deviation from the schedule to facilitate mechanical repairs at the bridge.

The waterway has commercial oil barge traffic of various sizes.

Under this temporary deviation the Gil Hodges (Marine Parkway) Bridge across Jamaica Bay at mile 3.0, may remain in the closed position from 7 a.m. on April 28, 2014 through 5 p.m. on April 30, 2014. Vessels that can pass under the bridge without a bridge opening may do so at all times. There are no alternate routes.

The Coast Guard contacted the upstream facilities and no objections were received.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 11, 2014.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2014–09064 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0257]

Drawbridge Operation Regulation; Merrimack River, Groveland and Haverhill, MA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Groveland Drawbridge across the Merrimack River at mile 16.5 between Groveland and Haverhill, Massachusetts. The deviation is necessary to facilitate completion of a bridge replacement project. This temporary deviation authorizes the bridge to require a twenty-four hour advance notice for bridge openings for three months.

DATES: This deviation is effective from June 21, 2014 through September 20, 2014.

ADDRESSES: The docket for this deviation, USCG–2014–0257, is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of

Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. John McDonald, Project Officer, First Coast Guard District, telephone (617) 223–8364, email *john.w.mcdonald@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The new Groveland Drawbridge across the Merrimack River at mile 16.5, between Groveland and Haverhill, has 15.9 feet of vertical clearance at mean high water and 21.61 feet of vertical clearance at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.605(c). The waterway users are and seasonal recreational vessels of various sizes.

The owner of the bridge, Massachusetts Department of Transportation (MDOT), requested a temporary deviation from the schedule to facilitate completion of this new bridge replacement project. Upgrades to the electric motor drive system must be undertaken between June and September that were not part of the original scope of work.

The bridge is presently manually operated pending upgrades to the drive system and requires a crew of seven to open and close the draw. During the final phase of construction the labor force will be less than seven laborers presently necessary to operate the bridge.

Allowing the bridge owner to require a twenty-four hour advance notice for bridge openings would provide sufficient time for the bridge owner to get the necessary crew members at the bridge to open and close the bridge.

The bridge rarely opens historically during the time period this temporary deviation will be in effect.

Under this temporary deviation the Groveland Drawbridge may require at least a twenty-four hour advance notice for bridge openings from June 21, 2014 through September 20, 2014. Requests for bridge openings may be made by calling the numbers posted at the bridge, (978) 465–8301 or 1–800–227–0608. There are no alternate routes for vessel traffic to take; however, there have been few requests to open the bridge historically.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 11, 2014.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2014–09065 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0275]

Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule governing the ''I'' Street Drawbridge across the Sacramento River, mile 59.4 at Sacramento, CA. The deviation is necessary to allow the community to participate in the Capitol City Classic 10K run. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 7:30 a.m. to 11 a.m. on April 27, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0275], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Union Pacific Railroad Company has requested a temporary change to the operation of the ''I'' Street Drawbridge, mile 59.4, over Sacramento River, at Sacramento, CA. The drawbridge navigation span provides 109 feet vertical clearance above Mean High Water in the full open-to-navigation position, and 30 feet vertical clearance above Mean High Water when closed. The draw opens on signal from May 1 through October 31 from 6 a.m. to 10 p.m. and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times the draw shall open on signal if at least four hours notice is given, as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position 7:30 a.m. to 11 a.m. on April 27, 2014, to allow the community to participate in the Capitol City Classic 10K run. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 11, 2014.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2014–09066 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0269]

Drawbridge Operation Regulation; Snohomish River and Steamboat Slough, Everett and Marysville, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the SR 529 Bridges across the Snohomish River, mile 3.6 near Everett, WA, and the SR 529 Bridges across Steamboat Slough, mile 1.1, near Marysville, WA. This deviation is necessary to accommodate the Total Health Events Heroes Half Marathon. This deviation allows the bridges to remain in the closed position to allow safe movement of event participants.

DATES: This deviation is effective from 8:00 a.m. to 11:00 a.m. on April 27, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0269] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *Steven.M.Fischer3@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Washington State Department of Transportation (WSDOT) has requested that the SR 529 Bridges across the Snohomish River and Steamboat Slough remain closed to vessel traffic to facilitate safe, uninterrupted roadway passage of participants of the Total Health Events Heroes Half Marathon. The SR 529 Bridges over the Snohomish River at mile 3.6 provide 38 feet of vertical clearance above mean high water elevation while in the closed position. Under normal conditions these bridges operate in accordance with 33 CFR 117.1059(c), which requires advance notification of one-hour when a bridge opening is needed.

The SR 529 Bridges over Steamboat Slough at mile 1.1 provide 10 feet of vertical clearance above mean high water elevation while in the closed position. Under normal conditions these bridges operate in accordance with 33 CFR 117.1059(g), which requires advance notification of four hours when a bridge opening is needed. This deviation period is from 8:00 a.m. to 11:00 a.m. April 27, 2014. The deviation allows the SR 529 Bridges crossing the Snohomish River and Steamboat Slough, to remain in the closed position and not open for maritime traffic from 8:00 a.m. to 11:00 a.m. April 27, 2014. Vessels that do not require a bridge opening may continue to transit beneath the bridges during this closure period. The bridges shall operate in accordance to 33 CFR 117.1059 at all other times. Waterway usage on the Snohomish River and Steamboat Slough includes vessels ranging from commercial tug and barge to small pleasure craft. Mariners will be notified and kept informed of the bridges' operational status via the Coast Guard Notice to Mariners publication and Broadcast Notice to Mariners as appropriate. The bridges will be required to open, if needed, for vessels engaged in emergency response operations during this closure period.

In accordance with 33 CFR 117.35(e), the drawbridges must return to their regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 10, 2014.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2014–09067 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0243]

Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Tower Drawbridge across the Sacramento River, mile 59.0 at Sacramento, CA. The deviation is necessary to allow the community to participate in the Capitol City Classic 10K run. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 7:30 a.m. to 10 a.m. on April 27, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0243], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: California Department of Transportation has requested a temporary change to the operation of the Tower Drawbridge, mile 59.0, over Sacramento River, at Sacramento, CA. The drawbridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw opens on signal from May 1 through October 31 from 6 a.m. to 10 p.m. and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times the draw shall open on signal if at least four hours notice is given, as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position 7:30 a.m. to 10 a.m. on April 27, 2014, to allow the community to participate in the Capitol City Classic 10k run. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 11, 2014.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2014–09063 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0928]

Drawbridge Operation Regulation; Delaware River, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the bascule span of the Tacony-Palmyra Bridge (Route 73), across the Delaware River, mile 107.2, between the townships of Tacony, PA and Palmyra, NJ. The deviation is necessary to facilitate the replacement of the bridge deck. This deviation allows the bridge to remain in the closed to navigation position during the rehabilitation project.

DATES: This deviation is effective from 9 p.m. on Friday, June 13, 2014 until 9 p.m. on Saturday, June 21, 2014.

ADDRESSES: The docket for this deviation [USCG–2013–0928] is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Terrance Knowles, Environmental Protection Specialist, Coast Guard; telephone 757–398–6587, email *Terrance.A.Knowles@uscg.mil*. If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, at 202–366–9826.

SUPPLEMENTARY INFORMATION: The Burlington County Bridge Commission, who owns and operates this bascule drawbridge, has requested a temporary deviation from the current operating regulations to facilitate the resurfacing of the bridge roadway. The Tacony-Palmyra Bridge (Route 73) at mile 107.2, across the Delaware River, between PA and NJ, has a vertical clearance in the closed position of 50 feet above mean high water.

Under the current operating schedule set out in 33 CFR 117.5 and 117.716(b): The regulation requires that the drawbridge must open promptly and fully for the passage of vessels when a request or signal to open is given, and that the opening not be delayed more than five minutes.

Under this temporary deviation, the bridge will be closed-to-navigation from 9 p.m., on June 13, 2014 until 9 p.m., on June 21, 2014. Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will not be able to open for emergencies and there is no alternate route for vessels to pass this section of the Delaware River.

The Coast Guard has coordinated this with the Pilots Association for the Bay and Delaware River, and will inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation. Waterway traffic consists of freighters, recreational boats, tugs, and barges.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 9, 2014.

Waverly W. Gregory, Jr.,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2014–09054 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–1060]

RIN 1625–AA00

Safety Zones; Eighth Coast Guard District Annual and Recurring Safety Zones Update

AGENCY: Coast Guard, DHS.

ACTION: Interim final rule; request for comments.

SUMMARY: The Coast Guard is amending and updating its current list of recurring safety zone regulations that take place in the Eighth Coast Guard District area of responsibility (AOR). This interim rule informs the public of regularly scheduled events that require additional safety measures through establishing a safety zone. Through this interim rule the current list of recurring safety zones is updated with revisions, additional events, and removal of events that no longer take place in the Eighth Coast Guard District AOR. When these safety zones are enforced, vessel traffic is restricted from specified areas. Additionally, this one rulemaking project reduces administrative costs involved in producing a separate rule for each individual recurring safety zone and serves to provide notice of the known recurring safety zones throughout the year.

DATES: This rule is effective April 22, 2014. Comments and related material must be received by the Coast Guard on or before May 22, 2014.

ADDRESSES: Documents mentioned in this preamble are part of Docket Number USCG–2013–1060. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Open Docket Folder'' on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may submit comments, identified by docket number, using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* (202) 493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Shelley R. Miller, Eighth Coast Guard District Waterways Management Division, (504) 671–2139 or email, *Shelley.R.Miller@uscg.mil*. If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

BNM Broadcast Notice to Mariners
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
LNM Local Notice to Mariners
NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2013–1060] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2013–1060) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

The Coast Guard is issuing this interim final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. This interim rule is effective upon publication without prior notice through publication in the **Federal Register**, but also invites comments regarding the updated list of safety zones. The Coast Guard will address all comments accordingly, whether through response, additional revision to the regulation, or otherwise. Completing the full NPRM process would unnecessarily delay the effective dates for the safety zones listed to occur in April and May of 2014. This interim rule, prepared to provide the most up to date list of recurring events requiring safety zones, provides ample notice for all listed safety zones occurring after May. Additionally, these recurring events are noticed to the public through local avenues and planned on by the local communities.

The current list of annual and recurring safety zones occurring in the Eighth Coast Guard District AOR is published under 33 CFR 165.801. That list was created May 16, 2012 through a previous rulemaking, [77 FR 2876] and received no adverse comments. The May 2012 rulemaking established 33 CFR 165.801 creating the current comprehensive list of recurring safety zones. In addition to amending and updating the current list, this interim rule provides additional clarity by separating the events and safety zones according to each Coast Guard Sector within the Eighth District.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Providing a 30-day notice would unnecessarily delay the safety zone effective dates for the events listed to occur in April and May of 2014, which are also noticed to the public through local avenues and are planned on by the local communities.

C. Basis and Purpose

The legal basis for the rule is 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define regulatory safety zones. The Coast Guard is amending and updating the safety zone regulations under 33 CFR part 165 to include the most up to date list of recurring safety zones for events held on or around navigable waters within the Eighth Coast Guard District. These events include air shows, fireworks displays, and other marine related events requiring a limited access area restricting vessel traffic for safety purposes. The current list under 33 CFR 165.801 requires amending to provide new information on existing safety zones and updating to include new safety zones expected to recur annually or biannually and to remove safety zones that are no longer required. Issuing individual regulations for each new safety zone, amendment, or removal of an existing safety zone creates unnecessary administrative costs and burdens. This single rulemaking considerably reduces administrative overhead and provides the public with notice through publication in the **Federal Register** of the upcoming recurring safety zone regulations.

The Coast Guard encourages the public to participate in this rulemaking through the comment process so that any necessary changes necessary can be identified and implemented in a timely and efficient manner.

D. Discussion of the Interim Rule

33 CFR part 165 contains regulations establishing limited access areas to restrict vessel traffic for the safety of persons and property. Section 165.801 establishes recurring safety zones to restrict vessel transit into and through specified areas to protect spectators, mariners, and other persons and property from potential hazards presented during certain events taking place in the Eighth Coast Guard District AOR. This section requires amendment from time to time to properly reflect the recurring safety zone regulations in the Eighth Coast Guard District. This interim rule amends and updates Section 165.801 replacing the current Table 1 with seven separate tables, one for each Sector within the Coast Guard's Eighth District as follows:

Table 1—Sector Ohio Valley
Table 2—Sector Upper Mississippi River
Table 3—Houston Galveston
Table 4—Corpus Christi
Table 5—New Orleans
Table 6—Sector Lower Mississippi River
Table 7—Sector Mobile

Categorizing the safety zone regulations by Sector eliminates dual numbering within the District list and then again by Sector. Listing safety zone regulations by Sector also provides easier and quicker reference to a specific regulation.

Additionally, this rule adds 31 new recurring safety zones and removes 12 safety zones as follows: 26 added under the new Table 1 for Sector Ohio Valley.

Date	Sponsor/name	Location	Regulated area
Multiple days—April through November.	Pittsburgh Riverhounds/ Riverhounds Fireworks.	Pittsburgh, PA	Monongahela River, Mile 0.22–0.77.
3 days—Second or third weekend in June.	Hadi Shrine/Evansville Freedom Festival Air Show.	Evansville, IN	Ohio River, Miles 791.0–795.0 (Indiana).
1 day—Second or third Saturday in June, the last day of the Riverbend Festival.	Friends of the Festival, Inc./ Riverbend Festival Fireworks.	Chattanooga, TN	Tennessee River, Mile 463.5–464.5 (Tennessee).
2 days—Second Friday and Saturday in June.	City of Newport, KY/Italianfest	Newport, KY	Ohio River, Miles 469.6–470.0 (Kentucky and Ohio).
1 day—Last Saturday in June	City of Aurora/Aurora Firecracker Festival.	Aurora, IN	Ohio River Mile, 496.7; 1400 ft. radius from the Consolidated Grain Dock located along the State of Indiana shoreline at (Indiana and Kentucky).
1 day—second weekend in June	City of St. Albans/St. Albans Town Fair.	St. Albans, WV	Kanawha River, Mile 46.3–47.3 (West Virginia).
1 day—Saturday before July 4th	PUSH Beaver County/Beaver County Boom.	Beaver, PA	Ohio River, Mile 024.3–025.1 (Pennsylvania).
1 day—4th of July (Rain date—July 5th).	Monongahela Area Chamber of Commerce/Monongahela 4th of July Celebration.	Monongahela, PA	Monongahela River, Mile 032.0–033.0 (Pennsylvania).
1 day—Saturday of the last full week in July (Rain date—following Sunday).	Oakmont Yacht Club/Oakmont Yacht Club Fireworks.	Oakmont, PA	Allegheny River, Mile 12.0–12.5 (Pennsylvania).
2 days—Week of July 4th	Three Rivers Regatta/Three River Regatta and Fireworks.	Pittsburgh, PA	Ohio River, Mile 0.0–0.5, Allegheny River, Mile 0.0–0.5, and Monongahela River, Mile 0.0–0.5 (Pennsylvania).
1 day—3rd or 4th of July	City of Paducah, KY	Paducah, KY	Ohio River, Mile 931.0–933.0 (Kentucky).
1 day—3rd or 4th of July	City of Hickman, KY	Hickman, KY	Lower Mississippi River, Mile 921.0–923.0 (Kentucky).
1 day—During the first week of July.	Evansville Freedom Celebration	Evansville, IN	Ohio River, Miles 791.0–795.0 (Indiana).
3 days—One of the first two weekends in July.	Madison Regatta, Inc./Madison Regatta.	Madison, IN	Ohio River, Miles 555.0–560.0 (Indiana).
1 day—July 4th	Cities of Cincinnati, OH and Newport, KY/July 4th Fireworks.	Newport, KY	Ohio River, Miles 469.6–470.2 (Kentucky and Ohio).
2 days—second weekend in July	Marietta Riverfront Roar/Marietta Riverfront Roar.	Marietta, OH	Ohio River, Mile 171.6–172.6 (Ohio).

Date	Sponsor/name	Location	Regulated area
1 day—1st weekend in July	Gallia County Chamber of Commerce/Gallipolis River Recreation Festival.	Gallipolis, OH	Ohio River, Mile 269.5–270.5 (Ohio).
1 day—July 4th	Kindred Communications/Dawg Dazzle.	Huntington, WV	Ohio River, Mile 307.8–308.8 (West Virginia).
1 day—Last weekend in August	Swiss Wine Festival/Swiss Wine Festival Fireworks Show.	Ghent, KY	Ohio River, Mile 537 (Kentucky).
1 day—Saturday of Labor Day weekend.	University of Pittsburgh Athletic Department/University of Pittsburgh Fireworks.	Pittsburgh, PA	Allegheny River, Mile 0.0–0.25 (Pennsylvania).
Sunday, Monday, or Thursday from September through January.	Pittsburgh Steelers/Steeler Fireworks.	Pittsburgh, PA	Ohio River, Mile 0.3—Allegheny River, Mile 0.2 (Pennsylvania).
1 day—Third weekend in September.	Wheeling Heritage Port Sternwheel Festival Foundation/Wheeling Heritage Port Sternwheel Festival.	Wheeling, WV	Ohio River, Mile 90.2–90.7 (West Virginia).
1 day—First or second weekend in October.	Zambelli Fireworks/American Pyrotechnic Association Annual Convention Fireworks Display.	Louisville, KY	Ohio River, Miles 602.0–606.0 (Kentucky).
1 day—Second weekend of October.	Leukemia and Lymphoma Society/Light the Nights Fireworks.	Nashville, TN	Cumberland River, Mile 190.0–192.0 (Tennessee).
1 day—First week in October	Leukemia & Lymphoma Society/Light the Night.	Pittsburgh, PA	Ohio River, Mile 0.0–0.4 (Pennsylvania).
1 day—Friday before Thanksgiving	Duquesne Light/Santa Spectacular.	Pittsburgh, PA	Monongahela River, Mile 0.00–0.22, Allegheny River, Mile 0.00–0.25, and Ohio River, Mile 0.0–0.3 (Pennsylvania).

Two annual or recurring new safety zones under the new Table 2 for Sector Upper Mississippi River.

Date	Sponsor/name	Sector Upper MS River location	Safety zone
2nd Weekend in August	Lansing Lion's Club/Lansing Fish Days Fireworks.	Lansing, IA	Upper Mississippi River mile marker 662.8–663.9 (Iowa).
3rd Weekend in August	River Action/Floatzilla	Rock Island, Illinois	Upper Mississippi River mile marker 479.0–486.0 (Ilinois).

One annual or recurring new safety zone added under the new Table 3 for Sector Houston-Galveston.

Date	Sponsor/name	Sector Houston-Galveston location	Safety zone
4th of July	Red, White, Blue and You Fireworks Display/City of Lake Charles.	Lake Charles, LA	All waters within a 1000-foot radius of the fireworks barge anchored in approximate position 30°13′39″ N, 093°13′42″ W, Lake Charles, LA (NAD 83).

One annual or recurring new safety zone added under the new Table 4 for Sector Corpus Christi.

Date	Sponsor/name	Sector Corpus Christi location	Safety zone
July 4th Rain dates of July 5th and July 6th.	City of South Padre Island/South Padre Island July 4th Fireworks.	Lower Laguna Madre, South Padre Island, TX.	All waters contained within a 1,000-ft radius of the fireworks display barge moored at approximate position 26°06′19″ N 097°10′55.4″ W, South Padre Island, TX.

One annual or recurring new safety zone added under the new Table 6 for Sector Lower Mississippi.

Date	Sponsor/name	Sector Lower MS River location	Safety zone	Date
4th of July Weekend	Monroe Renaissance	Ouachita River, Monroe, LA.	Regulated Area: Ouachita River mile marker 168.0 to 169.0, Monroe, LA.	4th of July Weekend.

This rule removes the following 12 safety zone regulations from the existing Table 1 in § 165.801 as follows:

Date	Sponsor/name	Location	Regulated area
May through September (Needs Notice of Implementation via Local Notice to Mariners).	Riverbend Music Center/ Riverbend Concerts Series.	Ohio River, Cincinnati, OH	Ohio River mile marker 461.1 to 461.4 Cincinnati, OH.
First Friday in June	WV Special Olympics	Kanawha River, Charleston, WV	Kanawha River, mile marker 57.9 to 58.9. A mile down from the Kanawha City bridge to the confluence of the Elk and Ohio Rivers.
Third weekend in July	Paducah Parks Festival	Ohio River Paducah, KY	Ohio River, mile marker 934.0 to 936.0.
July 4th	Wellsburg 4th of July Committee/ Wellsburg 4th July.	Ohio River, Wellsburg, WV	Ohio River, mile marker 73.5 to 74.5 Wellsburg, WV.
1 day—July 4th	Growth Alliance for Greater Evansville/Evansville Festival.	Ohio River, M 792.0–793.5 Evansville, KY.	Bank to Bank of the Ohio River, mile marker 792.0 to 793.5.
July 4th	Big Sandy Superstore Arena/ Dawg Dazzle Fireworks Spectacular.	Ohio River, Huntington, WV	Ohio River, mile marker 307.8 to 308.8. One-half mile up and down river from the Harris Riverfront Park.
Third Saturday in August	Parkersburg Homecoming Festival.	Ohio River, Parkersburg WV	Ohio River, mile marker 184.0 to 185.0. One-half mile up and down river from the confluence of the Little Kanawha and the Ohio River.
First Sunday in September	Portsmouth Riverdays	Ohio River, Portsmouth, OH	Ohio River, mile marker 355.5 to 356.5 Portsmouth, OH. From the confluence of the Scioto and Ohio Rivers, one mile upriver to the U.S. Highway Grant Bridge.
Second or Third weekend in September.	Ohio Sternwheel Festival	Parkersburg, WV Ohio River	Safety Zone for the fireworks display, extending from mile 171.5 to 172.5 (about a ½ a mile up and down river from the confluence of the Ohio and Muskingum Rivers). Also a restricted area for the stern-wheel race reenactment extending from mile marker 172.4 to 170.3.2 on the Ohio River. (See 33 CFR 100).
Second Saturday in October	Rod Run Doo Wop	Kanawha River, Charleston, WV	Kanawha River, mile marker 57.5 to 59.0 Downstream from I–64 Bridge IN Charleston, WV to one upriver.
Odd Week Fridays from April thru September.	Corpus Christi Hooks Baseball Team/Friday Night Fireworks.	Corpus Christi Ship Channel, Corpus Christi, TX.	All waters contained within a 1,000-ft radius of the Corpus Christi Hooks stadium parking lot located at approximate position 27°48′39.2″ N 097°23′55.2″ W, Corpus Christi, TX.
MS Gulf Coast Boaters Rendezvous/MS Gulf Coast Billfish Classic.	Biloxi Channel, Biloxi, MS	Biloxi Channel, all waters extending 200 yards around channel buoy No. 26.	MS Gulf Coast Boaters Rendezvous/MS Gulf Coast Billfish Classic.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under that those Orders.

The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation is unnecessary. This rule establishes safety zones limiting access to certain areas under 33 CFR 165 within the Eighth Coast Guard District. The effect of this rulemaking will not be significant because these safety zones are limited in scope and duration. Additionally, the public is given advance notification through local forms of notice, the **Federal Register**, and/or Notices of Enforcement and thus will be able to plan operations around the safety zones in advance. Deviation from the safety zones established through this rulemaking may be requested from the appropriate COTP and requests will be considered on a case-by-case basis.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule may affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit the safety zone areas during periods of enforcement. The safety zones will not have a significant economic impact on a substantial number of small entities because they are limited in scope and will be in effect for short periods of time. Before the enforcement period, the Coast Guard COTP will issue maritime advisories widely available to waterway users. Deviation from the safety zones established through this rulemaking may be requested from the appropriate COTP and requests will be considered on a case-by-case basis.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this interim final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small businesses. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

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

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these

standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 0023.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under section 2.B.2, figure 2–1, paragraph (34)(g) of the Instruction because it involves establishment of safety zones. An Environmental analysis and a categorical exclusion determination will be made available in the docket as indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04.6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 165.801 to revise table 1 and add tables 2 through 7 to read as follows:

§ 165.801 Annual fireworks displays and other events in the Eighth Coast Guard District requiring safety zones.

* * * * *

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Location	Safety zone
1. Multiple days—April through November.	Pittsburgh Pirates/Pittsburgh Pirates Fireworks.	Pittsburgh, PA	Allegheny River, Mile 00.2–000.8 (Pennsylvania).
2. Multiple days—April through November.	Cincinnati Reds/Cincinnati Reds Season Fireworks.	Cincinnati, OH	Ohio River, Mile 470.1–470.4; extending 500 ft. from the State of Ohio shoreline (Ohio).
3. 2 days—Third Friday and Saturday in April.	Thunder Over Louisville/Thunder Over Louisville.	Louisville, KY	Ohio River, Mile 602.0–606.0 (Kentucky).
4. 3 days—Third weekend in April	Henderson Tri-Fest/Henderson Breakfast Lions Club.	Henderson, KY	Ohio River, Mile 803.5–804.5 (Kentucky).
5. 1 day—A Saturday in July	Paducah Parks and Recreation Department/Cross River Swim.	Paducah, KY	Ohio River, Mile 934.0–936.0 (Kentucky).
6. 1 Day—First Sunday in June	West Virginia Symphony Orchestra/Symphony Sunday.	Charleston, WV	Kanawha River, Mile 59.5–60.5 (West Virginia).
7. 1 Day—Saturday before 4th of July.	Riverfest Inc./Saint Albans Riverfest.	St. Albans, WV	Kanawha River, Mile 46.3–47.3 (West Virginia).
8. 1 day—Third or fourth week in July.	Upper Ohio Valley Italian Heritage Festival/Upper Ohio Valley Italian Heritage Festival Fireworks.	Wheeling, WV	Ohio River, Mile 90.0–90.5 (West Virginia).
9. 1 day—Third or fourth of July	Harrah's Casino/Metropolis Fireworks.	Metropolis, IL	Ohio River, Mile 942.0–945.0 (Illinois).
10. 1 day—During the first week of July.	Louisville Bats Baseball Club/Louisville Bats Firework Show.	Louisville, KY	Ohio River, Mile 603.0–604.0 (Kentucky).
11. 1 day—July 4th	Waterfront Independence Festival	Louisville, KY	Ohio River, Mile 603.0–604.0 (Kentucky).
12. 1 day—July 4th	Celebration of the American Spirit Fireworks.	Owensboro, KY	Ohio River, Mile 755.0–759.0 (Kentucky).
13. 1 day—July 4th	Riverfront Independence Festival Fireworks.	New Albany, IN	Ohio River, Mile 602.0–603.5 (Indiana).
14. 1 day—July 4th	Downtown Henderson Project/Henderson Independence Bank Fireworks.	Henderson, KY	Ohio River, Mile 803.5–804.5 (Kentucky).
15. 1 day—July 4th	Shoals Radio Group/Spirit of Freedom Fireworks.	Florence, AL	Tennessee River, Mile 255.0–257.0 (Alabama).
16. 1 day—Saturday before July 4th, or on July 4th if that day is a Saturday.	Town of Cumberland City/Lighting Up the Cumberland Fireworks.	Cumberland City, TN	Cumberland River, Mile 103.0–105.0 (Tennessee).
17. 1 day—July 4th	Lake Guntersville Chamber of Commerce/Lake Guntersville 4th of July Celebration.	Guntersville, AL	Tennessee River, Mile 356.0–358.0 (Alabama).
18. 1 day—July 3rd or the weekend before July 3rd if the 3rd is on a weekday.	City of Clarksville/Clarksville Independence Day Fireworks.	Clarksville, TN	Cumberland River, Mile 103.0–105.0 (Tennessee).
19. 1 day—July 4th	Knoxville office of Special Events/Knoxville July 4th Fireworks.	Knoxville, TN	Tennessee River, Mile 647.0–648.0 (Tennessee).
20. 1 day—July 4th	Nashville CVB/Music City July 4th	Nashville, TN	Cumberland River, Mile 190.0–192.0 (Tennessee).

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Location	Safety zone
21. 1 day—Saturday before July 4th, or Saturday after July 4th.	Grand Harbor Marina/Grand Harbor Marina July 4th Celebration.	Counce, TN	Tennessee-Tombigbee Waterway, Mile 450.0–450.5 (Tennessee).
22. 1 day—Second Saturday in July.	City of Bellevue, KY/Bellevue Beach Park Concert Fireworks.	Bellevue, KY	Ohio River, Mile 468.2–469.2 (Kentucky and Ohio).
23. 1 day—Sunday before Labor Day.	Cincinnati Bell, WEBN, and Proctor and Gamble/Riverfest.	Cincinnati, OH	Ohio River, Mile 469.2–470.5 (Kentucky and Ohio).
24. 1 day—July 4th	Summer Motions Inc./Summer Motion.	Ashland, KY	Ohio River, Mile 322.1–323.1 (Kentucky).
25. 1 day—Last weekend in June or First weekend in July.	City of Point Pleasant/Point Pleasant Sternwheel Fireworks.	Point Pleasant, WV	Ohio River, Mile 265.2–266.2 (West Virginia).
26. 1 day—July 3rd or 4th	City of Charleston/City of Charleston Independence Day Celebration.	Charleston, WV	Kanawha River, Mile 58.1–59.1 (West Virginia).
27. 1 day—July 4th	Civic Forum/Civic Forum 4th of July Celebration.	Portsmouth, OH	Ohio River, Mile 355.5–356.5 (Ohio).
28. 1 day—Second Saturday in August.	Guyasuta Days Festival/Borough of Sharpsburg.	Pittsburgh, PA	Allegheny River, Mile 005.5–006.0 (Pennsylvania).
29. 1 day—Fourth week of August	Pittsburgh Foundation/Bob O'Connor Cookie Cruise.	Pittsburgh, PA	Ohio River, Mile 0.5–0.0 (Pennsylvania).
30. 1 day—Labor Day weekend	Knoxville Tourism and Sports Corporation/Boomsday Festival.	Knoxville, TN	Tennessee River, Mile 647.0–648.0 (Tennessee).
31. 1 day—Friday after Thanksgiving.	Chattanooga Presents/Grand Illumination.	Chattanooga, TN	Tennessee River, Mile 463.0–469.0 (Tennessee).
32. 1 day—December 31	Pittsburgh Cultural Trust/Highmark First Night Pittsburgh.	Pittsburgh, PA	Allegheny River Mile, 0.5–1.0 (Pennsylvania).
33. 1 day—Friday before Thanksgiving.	Pittsburgh Downtown Partnership/Light Up Night.	Pittsburgh, PA	Allegheny River, Mile 0.0–1.0 (Pennsylvania).
34. Multiple days—April through November.	Pittsburgh Riverhounds/Riverhounds Fireworks.	Pittsburgh, PA	Monongahela River, Mile 0.22–0.77.
35. 3 days—Second or third weekend in June.	Hadi Shrine/Evansville Freedom Festival Air Show.	Evansville, IN	Ohio River, Miles 791.0–795.0 (Indiana).
36. 1 day—Second or third Saturday in June, the last day of the Riverbend Festival.	Friends of the Festival, Inc./Riverbend Festival Fireworks.	Chattanooga, TN	Tennessee River, Mile 463.5–464.5 (Tennessee).
37. 2 days—Second Friday and Saturday in June.	City of Newport, KY/Italianfest	Newport, KY	Ohio River, Miles 469.6–470.0 (Kentucky and Ohio).
38. 1 day—Last Saturday in June	City of Aurora/Aurora Firecracker Festival.	Aurora, IN	Ohio River Mile, 496.7; 1400 ft. radius from the Consolidated Grain Dock located along the State of Indiana shoreline at (Indiana and Kentucky).
39. 1 day—second weekend in June.	City of St. Albans/St. Albans Town Fair.	St. Albans, WV	Kanawha River, Mile 46.3–47.3 (West Virginia).
40. 1 day—Saturday before July 4th.	PUSH Beaver County/Beaver County Boom.	Beaver, PA	Ohio River, Mile 024.3–025.1 (Pennsylvania).
41. 1 day—4th of July (Rain date—July 5th).	Monongahela Area Chamber of Commerce/Monongahela 4th of July Celebration.	Monongahela, PA	Monongahela River, Mile 032.0–033.0 (Pennsylvania).
42. 1 day—Saturday of the last full week in July (Rain date—following Sunday).	Oakmont Yacht Club/Oakmont Yacht Club Fireworks.	Oakmont, PA	Allegheny River, Mile 12.0–12.5 (Pennsylvania).
43. 2 days—Week of July 4th	Three Rivers Regatta/Three River Regatta and Fireworks.	Pittsburgh, PA	Ohio River, Mile 0.0–0.5, Allegheny River, Mile 0.0–0.5, and Monongahela River, Mile 0.0–0.5 (Pennsylvania).
44. 1 day—3rd or 4th of July	City of Paducah, KY	Paducah, KY	Ohio River, Mile 931.0–933.0 (Kentucky).
45. 1 day—3rd or 4th of July	City of Hickman, KY	Hickman, KY	Lower Mississippi River, Mile 921.0–923.0 (Kentucky).
46. 1 day—During the first week of July.	Evansville Freedom Celebration	Evansville, IN	Ohio River, Miles 791.0–795.0 (Indiana).
47. 3 days—One of the first two weekends in July.	Madison Regatta, Inc./Madison Regatta.	Madison, IN	Ohio River, Miles 555.0–560.0 (Indiana).
48. 1 day—July 4th	Cities of Cincinnati, OH and Newport, KY/July 4th Fireworks.	Newport, KY	Ohio River, Miles 469.6–470.2 (Kentucky and Ohio).
49. 2 days—second weekend in July.	Marietta Riverfront Roar/Marietta Riverfront Roar.	Marietta, OH	Ohio River, Mile 171.6–172.6 (Ohio).
50. 1 day—1st weekend in July	Gallia County Chamber of Commerce/Gallipolis River Recreation Festival.	Gallipolis, OH	Ohio River, Mile 269.5–270.5 (Ohio).
51. 1 day—July 4th	Kindred Communications/Dawg Dazzle.	Huntington, WV	Ohio River, Mile 307.8–308.8 (West Virginia).

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Location	Safety zone
52. 1 day—Last weekend in August.	Swiss Wine Festival/Swiss Wine Festival Fireworks Show.	Ghent, KY	Ohio River, Mile 537 (Kentucky).
53. 1 day—Saturday of Labor Day weekend.	University of Pittsburgh Athletic Department/University of Pittsburgh Fireworks.	Pittsburgh, PA	Allegheny River, Mile 0.0–0.25 (Pennsylvania).
54. Sunday, Monday, or Thursday from September through January.	Pittsburgh Steelers/Steeler Fireworks.	Pittsburgh, PA	Ohio River, Mile 0.3-Allegheny River, Mile 0.2 (Pennsylvania).
56. 1 day—Third weekend in September.	Wheeling Heritage Port Sternwheel Festival Foundation/ Wheeling Heritage Port Sternwheel Festival.	Wheeling, WV	Ohio River, Mile 90.2–90.7 (West Virginia).
57. 1 day—First or second weekend in October.	Zambelli Fireworks/American Pyrotechnic Association Annual Convention Fireworks Display.	Louisville, KY	Ohio River, Miles 602.0–606.0 (Kentucky).
58. 1 day—Second weekend of October.	Leukemia and Lymphoma Society/Light the Nights Fireworks.	Nashville, TN	Cumberland River, Mile 190.0–192.0 (Tennessee).
59. 1 day—First week in October	Leukemia & Lymphoma Society/ Light the Night.	Pittsburgh, PA	Ohio River, Mile 0.0–0.4 (Pennsylvania).
60. 1 day—Friday before Thanksgiving.	Duquesne Light/Santa Spectacular.	Pittsburgh, PA	Monongahela River, Mile 0.00–0.22, Allegheny River, Mile 0.00–0.25, and Ohio River, Mile 0.0–0.3 (Pennsylvania).

TABLE 2 OF § 165.801—SECTOR UPPER MISSISSIPPI RIVER ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Sector Upper Mississippi River location	Safety zone
1. 1 day—4th weekend of July	Marketing Minneapolis LLC/Target Aquatennial Fireworks.	Minneapolis, MN	Upper Mississippi River mile marker 853.2 to 854.2 (Minnesota).
2. 1 day—4th of July weekend	Radio Dubuque/Radio Dubuque Fireworks and Airs Show.	Dubuque, IA	Upper Mississippi River mile marker 581.0 to 583.0 (Iowa).
3. 2 days—2nd weekend of July	City of Champlin/Father Hennepin Fireworks Display.	Champlin, MN	Upper Mississippi River mile marker 870.5 to 872.0 (Minnesota).
4. 1 day—4th of July weekend	Downtown Main Street/Mississippi Alumination.	Red Wing, MN	Upper Mississippi River mile marker 790.8 to 791.2 (Minnesota).
5. 1 day—4th of July weekend	Tan-Tar-A Resort/Tan-Tar-A 4th of July Fireworks.	Lake of the Ozarks, MO	Lake of the Ozarks mile marker 025.8 to 026.2 (Missouri).
6. 1 day—1st weekend of September.	Tan-Tar-A Resort/Tan-Tar-A Fireworks.	Lake of the Ozarks, MO	Lake of the Ozarks mile marker 025.8 to 026.2 (Missouri).
7. 1 day—Last Sunday in May	Tan-Tar-A Resort/Tan-Tar-A Memorial Day Fireworks.	Lake of the Ozarks, MO	Lake of the Ozarks mile marker 025.8 to 026.2 (Missouri).
8. 1 day—4th of July weekend	Lake City Chamber of Commerce/ Lake City 4th of July Fireworks.	Lake City, MN	Upper Mississippi River mile marker 772.4 to 772.8 (Minnesota).
9. 1 day—4th of July weekend	Greater Muscatine Chamber of Commerce/Muscatine 4th of July.	Muscatine, IA	Upper Mississippi River mile marker 455.0 to 456.0 (Iowa).
10. 1 day—Last weekend in June/ First weekend in July.	Friends of the River Kansas City/ KC Riverfest.	Kansas City, KS	Missouri River mile marker 364.8 to 365.2 (Kansas).
11. 1 day—4th of July weekend	Louisiana Chamber of Commerce/ Louisiana July 4th Fireworks.	Louisiana, MO	Upper Mississippi River mile marker 282.0 to 283.0 (Missouri).
12. 1 day—2nd weekend in July	Guttenderg Development and Tourism/Stars and Stripes River Day.	Guttenderg, IA	Upper Mississippi River mile marker 614.8 to 615.2 (Iowa).
13. 4 days—1st or 2nd week of July.	Riverfest, Inc./La Crosse Riverfest	La Crosse, WI	Upper Mississippi River mile marker 697.5 to 698.5 (Wisconsin).
14. 1 day—4th of July weekend	Hannibal Jaycees/National Tom Sawyer Days.	Hannibal, MO	Upper Mississippi River mile marker 308.0 to 309.0 (Missouri).
15. 1 day—4th of July weekend	Fort Madison Partner/Fort Madison Fourth of July Fireworks.	Fort Madison, WI	Upper Mississippi River mile marker 383.0 to 384.0 (Wisconsin).

TABLE 2 OF § 165.801—SECTOR UPPER MISSISSIPPI RIVER ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Upper Mississippi River location	Safety zone
16. 5 days—Last week in June/First week in July.	Taste of Minnesota/Taste of Minnesota.	Minneapolis, MN	Upper Mississippi River mile marker 839.8 to 840.2 (Minnesota).
17. 1 day—4th of July weekend	John E. Curran/John E. Curran Fireworks.	Lake of the Ozarks, MO	Lake of the Ozarks mile marker 008.8 to 009.2 (Missouri).
18. 1 day—2nd weekend in July	Prairie du Chien Area Chamber of Commerce/Prairie du Chien Area Chamber Fireworks.	Prairie du Chien, WI	Upper Mississippi River mile marker 633.8 to 634.2 (Wisconsin).
19. 1 day—4th of July weekend	JMP Radio/Red White and Boom Peoria.	Peoria, IL	Illinois River mile marker 162.5 to 162.1 (Illinois).
20. 1 day—Last weekend in June/First weekend in July.	Hudson Boosters/Hudson Booster Days.	Hudson, WI	St. Croix River mile marker 016.8 to 017.2 (Wisconsin).
21. 2 days—4th of July weekend	City of St. Charles/St. Charles Riverfest.	St. Charles, MO	Missouri River mile marker 028.2 to 028.8 (Missouri).
22. 1 day—4th of July weekend	Minneapolis Park and Recreation Board/Red, White, and Boom Minneapolis.	Minneapolis, MN	Upper Mississippi River mile marker 853.5 to 854.5 (Minnesota).
23. 1 day—4th of July weekend	Davenport One Chamber/Red White and Boom.	Davenport, IA	Upper Mississippi River mile marker 482.0 to 482.7 (Iowa).
24. 2 days—3rd weekend of July	Amelia Earhart Festival Committee/Amelia Earhart Festival.	Kansas City, KS	Missouri River mile marker 422.0 to 424.5 (Kansas).
25. 1 day—4th of July weekend	Chillicothe Police Department/Chillicothe 4th of July.	Chillicothe, IL	Illinois River mile marker 179.1 to 180.0 (Illinois).
26. 2 days—2nd weekend in July	Clinton Riverboat Days/Clinton Riverboat Days.	Clinton, IA	Upper Mississippi River mile marker 518.0 to 519.0 (Iowa).
27. 1 day—4th of July weekend	Harrah's Casino and Hotel/Harrah's Fireworks Extravaganza.	Omaha, NE	Missouri River mile marker 615.0 to 615.6 (Nebraska).
28. 1 day—4th of July weekend	Alton Exposition Commission/Mississippi Fireworks Festival.	Alton, IL	Upper Mississippi River mile marker 202.5 to 203.0 (Illinois).
29. 1 day—3rd Sunday in June	Burlington Steamboat Days/Burlington Steamboat Days.	Burlington, IA	Upper Mississippi River mile marker 403.5 to 404.5 (Iowa).
30. 1 day—Last Sunday in May	Lodge of the Four Seasons/Lodge of the Four Seasons Memorial Day Fireworks.	Lake of the Ozarks, MO	Lake of the Ozarks mile marker 013.8 to 014.2 (Missouri).
31. 1 day—First weekend of September.	Lodge of the Four Seasons/Labor Day Fireworks.	Lake of the Ozarks, MO	Lake of the Ozarks mile marker 013.8 to 014.2 (Missouri).
32. 1 day—4th of July weekend	Lodge of the Four Seasons/Lodge of the Four Seasons 4th of July.	Lake of the Ozarks, MO	Lake of the Ozarks mile marker 013.8 to 014.2 (Missouri).
33. 2 days—3rd weekend in July	Hasting Riverboat Days/Rivertown Days.	Hasting, MN	Upper Mississippi River mile marker 813.7 to 815.2 (Minnesota).
34. 1 day—3rd Sunday in June	Winona Steamboat Days/Winona Steamboat Days Fireworks.	Winona, MN	Upper Mississippi River mile marker 725.4 to 725.7 (Minnesota).
35. 2 days—4th of July weekend	Fair of St. Louis/Fair St. Louis	St. Louis, MO	Upper Mississippi River mile marker 179.2 to 180.0 (Missouri).
36. Friday and Saturday, every weekend from the 2nd weekend of July until the 2nd weekend in August.	Fair of St. Louis/Live on the Levee.	St. Louis, MO	Upper Mississippi River mile marker 179.2 to 180.0 (Missouri).
37. 1 day—Last weekend in June/First weekend in July.	Bellevue Heritage Days/Bellevue Heritage Days.	Bellevue, IA	Upper Mississippi River mile marker 556.0 to 556.5 (Iowa).
38. 1 day—4th of July weekend	Main Street Parkway Association/Parkville 4th of July Fireworks.	Parkville, MO	Missouri River mile marker 378.0 to 377.5 (Missouri).
39. 1 day—4th of July weekend	Hermann Chamber of Commerce/Hermann 4th of July.	Hermann, MO	Missouri River mile marker 099.0 to 098.0 (Missouri).
40. 1 day—4th of July weekend	Grafton Chamber of Commerce/Grafton Chamber 4th of July Fireworks.	Grafton, IL	Illinois River mile marker 001.5 to 000.5 (Illinois).
41. 1 day—4th of July weekend	Salute to America Foundation, Inc./Salute to America.	Jefferson City, MO	Upper Mississippi River mile marker 143.5 to 143.0 (Missouri).
42. 1 day—4th of July weekend	McGregor/Marquette Chamber Commerce/Independence Day Celebration.	McGregor, IA	Upper Mississippi River mile marker 635.7 to 634.2 (Missouri).
43. 2 days—2nd weekend in August.	Tug Committee/Great River Tug	Port Byron, IL	Upper Mississippi River mile marker 497.2 to 497.6 (Illinois).
44. 1 day—4th of July weekend	City of Stillwater/St. Croix Events/Stillwater 4th of July.	Stillwater, MN	St. Croix River mile marker 022.9 to 023.5 (Minnesota).

TABLE 2 OF § 165.801—SECTOR UPPER MISSISSIPPI RIVER ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Upper Mississippi River location	Safety zone
45. 2 days—3rd weekend of September.	Riverside Riverfest Committee/Riverfest.	Riverside, MO	Missouri River mile marker 372.2 to 371.8 (Missouri).
46. 4 days—3rd week of July	St. Croix Events/Lumberjack Days	Stillwater, MN	St. Croix River mile marker 022.9 to 023.5 (Minnesota).
47. 1 day—3rd week in July	Rivercade Association/Sioux City Rivercade.	North Sioux City, SD	Missouri River mile marker 732.2 to 732.6 (Iowa).
48. 2 days—3rd weekend in August.	Lake of the Ozarks Shootout, Inc./Lake of the Ozarks Shootout.	Lake of the Ozarks, MO	Lake of the Ozarks mile marker 034.5 to 032.5 (Missouri).
49. 1 day—1st weekend of September.	Camden on the Lakes Labor Day Fireworks/Camden on the Lake.	Lake of the Ozarks, MO	Lake of the Ozarks mile marker 007.1 to 006.9 (Missouri).
50. 2 days—1st weekend of September.	City of Keithsburg/Keithsburg Fireworks Display.	Keithsburg, IL	Upper Mississippi River mile marker 427.5 to 427.3 (Missouri).
51. 1 day—1st weekend of August	New Piasa Chautauqua/New Piasa Chautauqua.	Elsah, IL	Upper Mississippi River mile marker 215.6 to 216.0 (Illinois).
52. 1 day—last weekend in May	Horny Toad, Inc./Horny Toad Fireworks Display.	Lake of the Ozarks, MO	Lake of the Ozarks mile marker 006.8 to 007.2 (Missouri).
53. 1 day—4th of July weekend	Omaha Royals/Omaha World Herald Fireworks.	Omaha, NE	Missouri River mile marker 612.1 to 613.9 (Nebraska).
54. 1 day—Last weekend in July	Great River Days, Inc./Great River Days.	Muscatine, IA	Upper Mississippi River mile marker 455.0 to 456.0 (Iowa).
55. 1 day—4th of July weekend	City of East Moline/City of East Moline Fireworks.	East Moline, IA	Upper Mississippi River mile marker 490.2 to 489.8 (Iowa).
56. 2nd Weekend in August	Lansing Lion's Club/Lansing Fish Days Fireworks.	Lansing, IA	Upper Mississippi River mile marker 662.8–663.9 (Iowa).
57. 3rd Weekend in August	River Action/Floatzilla	Rock Island, Illinois	Upper Mississippi River mile marker 479.0–486.0 (Ilinois).

TABLE 3 OF § 165.801—SECTOR HOUSTON-GALVESTON ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Sector Houston-Galveston location	Safety zone
1. 1st Saturday (Rain date is 1st Sunday) in May.	RIVERFEST Fireworks Display/Port Neches Chamber of Commerce, Port Neches, TX.	Neches River, Port Neches, TX	All waters within a 500-yard radius of the fireworks barge anchored in approximate position 29°59′51″ N 093°57′06″ W (NAD 83).
2. 2nd Saturday in May	Contraband Days Fireworks Display/Contraband Days Festivities, Inc.	Lake Charles, Lake Charles, LA	All waters within a 1000-foot radius of the fireworks barge anchored in approximate position 30°13′39″ N, 093°13′42″ W, Lake Charles, LA (NAD 83).
3. July 4th night and every Friday night in June and July.	Kemah Board Walk Summer Season Fireworks Display, Kemah, TX.	Clear Lake, TX	Clear Creek Channel, including the area within an 840-foot radius of the fireworks barge on the south side of the channel, 100 ft off of Kemah Boardwalk in Galveston, TX and an Rectangle extending 500 feet east, 500 feet west; 1000 feet north, and 1000 feet south, centered around fireworks barge at Light 19 on Clear Lake, Houston, TX.
4. July 4th	Sylvan Beach Fireworks	La Porte, TX	Rectangle Extending 250 feet east, 250 feet west; 1000 feet north, and 1000 feet south, centered around fireworks barge located at Sylvan Beach, Houston, TX.
5. July 4th (Rain date July 5th)	City of Beaumont 4th of July Celebration/City of Beaumont, TX.	Neches River at Riverfront Park, Beaumont, TX.	All waters of the Neches River, shoreline to shoreline, from the Trinity Industries dry dock to the northeast corner of the Port of Beaumont's dock No. 5.
6. 1st Saturday in December	Christmas Fireworks Display/City of Lake Charles, LA.	Lake Charles, Lake Charles, LA	All waters within a 1000-foot radius of the fireworks barge anchored in approximate position 30°13′39″ N, 093°13′42″ W, Lake Charles, LA (NAD 83).

TABLE 3 OF § 165.801—SECTOR HOUSTON-GALVESTON ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Houston-Galveston location	Safety zone
7. 4th of July	Red, White, Blue and You Fireworks Display/City of Lake Charles.	Lake Charles, LA	All waters within a 1000-foot radius of the fireworks barge anchored in approximate position 30°13′39″ N, 093°13′42″ W, Lake Charles, LA (NAD 83).

TABLE 4 OF § 165.801—SECTOR CORPUS CHRISTI ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Sector Corpus Christi location	Safety zone
1. Memorial Day Weekend	South Padre Island Convention & Visitors Bureau/Laguna Madre Memorial Day Firework.	Lower Laguna Madre, South Padre Island, TX.	All waters contained within a 1000-ft radius of the fireworks display barge moored at approximate location 26°06′19″ N 097°10′55.4″ W, South Padre Island, TX.
2. 2nd, 3rd or 4th Monday in June	Cameron County Clerk's Office/Texas District Court Clerk's Convention Fireworks.	Lower Laguna Madre, South Padre Island, TX.	All waters contained within a 1,000-ft radius of the fireworks display barge moored at approximate position 26°06′19″ N 097°10′55.4″ W, South Padre Island, TX.
3. July 4th Rain dates of July 5th and July 6th.	City of Port Aransas/Port Aransas 4th of July Fireworks.	Corpus Christi Ship Channel—Port Aransas, TX.	All waters contained within a 600-ft radius of a point halfway between Port Aransas Harbor Day Beacon 2 to Port Aransas Ferry Landing in the Corpus Christi Ship Channel, Port Aransas, TX.
4. July 4th Rain dates of July 5th and July 6th.	Buccaneer Commission/4th of July Big Bang Fireworks.	USS *Lexington*/Corpus Christi, TX	All waters contained within a 1,000-ft radius from the bow of the USS *Lexington* located at approximate position 27°48′50″ N 097°23′18.2″ W, Corpus Christi, TX.
5. July 4th Rain dates of July 5th and July 6th.	City of Port O'Connor Chamber of Commerce/4th of July Fireworks.	King Fisher Park, Port O'Connor, TX.	All waters contained within a 1,120-ft radius of the furthest extent of the King Fisher Pier located at approximate position 28°27′15.6″ N 096°24′11.9″ W, Port O′Connor, TX.
6. July 4th Rain dates of July 5th and July 6th.	City of Point Comfort/4th of July Fireworks.	Bayfront Park, Point Comfort, TX	All waters contained within a 1,000-ft radius of Bayfront Park located at approximate position 28°40′52.8″ W 096°33′49.2″ W, Point Comfort, TX.
7. July 4th Rain dates of July 5th and July 6th.	City of Rockport/Wendell Family Fireworks.	Rockport Beach Park/Rockport, TX.	All waters contained within a 700-ft radius of the northeast point of Rockport Beach Park located at approximate position 28°02′05.2″ N 097°02′048″ W, Rockport, TX.
8. Last Saturday in September	Bayfest, Inc./Bayfest Fireworks	USS *Lexington*/Corpus Christi, TX	All waters contained within a 1,000-ft radius from the bow of the USS *Lexington* located at approximate position 27°48′50″ N 097°23′18.2″ W, Corpus Christi, TX.
9. Friday nights from May thru September.	Boys & Girls Club of Laguna Madre/Fireworks over the Bay.	Lower Laguna Madre, South Padre Island, TX.	All waters contained within a 1,000-ft radius of the fireworks display barge moored at approximate position 26°06′19″ N 097°10′55.4″ W, South Padre Island, TX.

TABLE 4 OF § 165.801—SECTOR CORPUS CHRISTI ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Corpus Christi location	Safety zone
10. Labor Day weekend	Laguna Madre Education Foundation/Laguna Madre Labor Day Fireworks.	Lower Laguna Madre, South Padre Island, TX.	All waters contained within a 1,000-ft radius of the fireworks display barge moored at approximate position 26°06′19″ N 097°10′55.4″ W, South Padre Island, TX.
11. 1st or 2nd Friday and Saturday in December.	City of Rockport/Rockport ''Tropical'' Christmas Festival Fireworks.	Rockport Beach Park/Rockport, TX.	All waters contained within a 700-ft radius of the northeast point of Rockport Beach Park located at approximate position 28°02′05.2″ N 097°02′048″ W, Rockport, TX.
12. December 30th, 31st or Jan 1st.	South Padre Island Convention & Visitors Bureau/SPI New Year's Fireworks.	Lower Laguna Madre, South Padre Island, TX.	All waters contained within a 1,000-ft radius of the fireworks display barge moored at approximate position 26°06′19″ N 097°10′55.4″ W, South Padre Island, TX.
13. Odd Week Fridays from April thru September.	Corpus Christi Hooks Baseball Team/Friday Night Fireworks.	Corpus Christi Ship Channel, Corpus Christi, TX.	All waters contained within a 1,000-ft radius of the Corpus Christi Hooks stadium parking lot located at approximate position 27°48′39.2″ N 097°23′55.2″ W, Corpus Christi, TX.
14. July 4th Rain dates of July 5th and July 6th.	City of South Padre Island/South Padre Island July 4th Fireworks.	Lower Laguna Madre, South Padre Island, TX.	All waters contained within a 1,000-ft radius of the fireworks display barge moored at approximate position 26°06′19″ N 097°10′55.4″ W, South Padre Island, TX.

TABLE 5 OF § 165.801—SECTOR NEW ORLEANS ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Sector New Orleans location	Safety zone
1. Monday before Mardi Gras	Riverwalk Marketplace/Lundi Gras Fireworks Display.	Mississippi River, New Orleans, LA.	Mississippi River mile marker 93.0 to 96.0, New Orleans, LA.
2. July 3rd	St. John the Baptist/Independence Day celebration.	Mississippi River, Reserve, LA	Mississippi River mile marker 175.0 to 176.0, Reserve, LA.
3. July 4th	Riverfront Marketing Group/Independence Day Celebration.	Mississippi River, New Orleans, LA.	Mississippi River mile marker 94.3 to 95.3, New Orleans, LA.
4. July 4th	Boomtown Casino/Independence Day Celebration.	Harvey Canal, Harvey, LA	Harvey Canal mile marker 4.0 to 5.0, Harvey, LA.
5. 4th of July	Independence Day Celebration, Main Street 4th of July (Fireworks Display).	Morgan City, LA	Morgan City Port Allen Route mile marker 0.0 to 1.0, Morgan City, LA.
6. July 4th	WBRZ—The Advocate 4th of July Fireworks Display.	Baton Rouge, LA	In the vicinity of the USS *Kidd,* the Lower Mississippi River from mile marker 228.8 to 230.0, Baton Rouge, LA.
7. The Saturday before July 4th or on July 4th if that day is a Saturday.	Independence Day Celebration/ Bridge Side Marine.	Grand Isle, LA	500 Foot Radius from the Pier located at Bridge Side Marine, 2012 LA Highway 1, Grand Isle, LA (Lat: 29°12′14″ N; Long: 090°02′28.47″ W).
8. 1st Weekend of September	LA Shrimp and Petroleum Festival Fireworks Display, LA Shrimp and Petroleum Festival and Fair Association.	Morgan City, LA	Atchafalaya River at mile marker 118.5, Morgan City, LA.
9. 1st Weekend in December (Usually that Friday, subject to change due to weather).	Office of Mayor-President/Downtown Festival of Lights.	Baton Rouge, LA	Located on Left Descending Bank, Lower Mississippi River north of the USS *Kidd,* at mile marker 230, Baton Rouge, LA.
10. December 31st	Crescent City Countdown Club/ New Year's Celebration.	Mississippi River, New Orleans, LA.	Mississippi River mile marker 93.5–96.5, New Orleans, LA.
11. December 31st	Boomtown Casino/New Year's Celebration.	Harvey Canal, Harvey, LA	Harvey Canal mile marker 4.0 to 5.0, Harvey, LA.

TABLE 5 OF § 165.801—SECTOR NEW ORLEANS ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector New Orleans location	Safety zone
12. July 4th	USS *Kidd* Veterans Memorial/ Fourth of July Star-Spangled Celebration.	Baton Rouge, LA	In the vicinity of the USS *Kidd,* the Lower Mississippi River from mile marker 228.8 to 230.0, Baton Rouge, LA.

TABLE 6 OF § 165.801—SECTOR LOWER MISSISSIPPI RIVER ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Sector Lower MS River location	Safety zone
1. The Sunday before Memorial Day.	Riverfest Inc./Riverfest Fireworks display.	Arkansas River, Little Rock, AR	Regulated Area: Arkansas River mile marker 118.8 to 119.5, Main Street Bridge, Little Rock, AR.
2. The Saturday before Memorial Day.	Memphis in May/Sunset Symphony Fireworks Display.	Lower Mississippi River, Memphis, TN.	Regulated Area: Lower Mississippi River mile marker 735.0 to 736.0, Memphis, TN.
3. July 4th or the weekend before	Fourth of July Fireworks/Memphis Center City Commission.	Lower Mississippi River, Memphis, TN.	Regulated Area: Lower Mississippi River mile marker 735.5 to 736.5, Mud Island, Memphis, TN.
4. July 4th or the weekend before	Pops on the River Fireworks Display/Arkansas Democrat Gazette.	Arkansas River, Little Rock, AR	Regulated Area: Arkansas River mile marker 118.8 to 119.5, Main Street Bridge, Little Rock, AR.
5. July 4th or the weekend before	Uncle Sam Jam Fireworks, Alexandria, LA/Champion Broadcasting of Alexandria.	Red River, Alexandria, LA	Regulated Area: Red River mile marker 83.0 to 87.0, Alexandria, LA.
6. July 4th or the weekend before	Greenville Chamber of Commerce/Fourth of July Fireworks.	Lake Ferguson, Greenville, MS	Regulated Area: Waters of Lake Ferguson extending 500 yards in all directions from the concrete pad, 33°24′34″ N, 091°03′58″ W, adjacent to the Lighthouse Casino, Greenville, MS.
7. July 4th or the weekend before	Pyro Fire Inc./Fourth of July Celebration.	Yazoo River, Vicksburg, MS	Regulated Area: Yazoo River, mile marker 1.0 to 3.0, Vicksburg, MS.
8. July 4th or the weekend before	Artisan Pyro Inc./Fourth of July Celebration.	Lower Mississippi River, Natchez, MS.	Regulated Area: Lower Mississippi River, mile marker 365.5 to 364.5, Natchez, MS.
9. Third Friday and Saturday in October	The Great Mississippi River Balloon Race and Fireworks show/ Great Mississippi River Balloon Race Committee.	Lower Mississippi River, Natchez, MS.	Regulated Area: Lower Mississippi River, mile marker 365.5 to 364.5, Natchez, MS.
10. Fourth Saturday in May	Memphis in May Air Show, Memphis in May.	Lower Mississippi River, Memphis, TN.	Regulated Area: Lower Mississippi River, mile marker 733.0 to 735.5, Memphis, TN.
11. First Saturday in December	Monroe Christmas Fireworks/ Monroe Jaycee.	Ouachita River, Monroe, LA	Regulated Area: Ouachita River mile marker 168.0 to 169.0, Monroe, LA.
12. 4th of July Weekend	Monroe Renaissance	Ouachita River, Monroe, LA	Regulated Area: Ouachita River mile marker 168.0 to 169.0, Monroe, LA.

TABLE 7 OF § 165.801—SECTOR MOBILE ANNUAL AND RECURRING MARINE EVENTS

Date	Sponsor/name	Sector Mobile location	Safety zone
1. 1 Day; 1st week of January	GoDaddy Bowl/GoDaddy.com	Mobile Channel, Mobile, AL	Mobile Channel, all waters extending 200 yards in all directions from a fireworks display barge located in the Mobile Channel between the Arthur R. Outlaw Convention Center and Cooper Riverside Park.
2. Multiple dates from May to December.	Harbor Walk Seasonal Fireworks/ Legendary, Inc.	East Pass to Choctawhatchee Bay, Destin, FL.	East Pass to Choctawhatchee Bay, all waters extending 700′ in all directions from a fireworks display barge located in the East Pass.

TABLE 7 OF § 165.801—SECTOR MOBILE ANNUAL AND RECURRING MARINE EVENTS—Continued

Date	Sponsor/name	Sector Mobile location	Safety zone
3. 2 Days; 1st weekend in June	Billy Bowlegs Pirate Festival/ Greater Fort Walton Beach Chamber of Commerce.	Santa Rosa Sound, Ft. Walton Beach, FL.	Santa Rosa Sound, all waters extending 150 yards around a fireworks display barge that will be located between Fort Walton Beach Landing and the Gulf Intracoastal Waterway.
4. July 4th	Niceville July 4th Fireworks Show/ City of Niceville, FL.	Boggy Bayou, Niceville, FL	Boggy Bayou, all waters extending 250 yards around a fireworks display barge that will be located west of the Dockside Café & Oyster Bar and Allen's Little Marina.
5. July 4th	Fourth of July Celebration/City of Fort Walton Beach.	Santa Rosa Sound, Fort Walton Beach.	Santa Rosa Sound, all waters extending 100 yards around a fireworks display barge that will be located between Fort Walton Beach Landing and the Gulf Intracoastal Waterway.
6. 1 Day; Last week in June or 1st week of July.	Sound of Independence/Hurlburt Field AFB.	Santa Rosa Sound, Mary Esther, FL.	Santa Rosa Sound, all waters extending 200 yards around a fireworks display barge that will be located south of Hurlburt Field.
7. July 4th	Biloxi Bay Fireworks/Biloxi Bay Chamber of Commerce.	Biloxi Bay, Biloxi, MS	Biloxi Bay, all waters extending 200 yards around a fireworks display barge that will be located south of the Biloxi Channel, between channel markers R''20'' and R''22'' and north of Deer Island.
8. December 31st/January 1st	New Year's Eve Celebration/City of Mobile.	Mobile Channel, Mobile, AL	Mobile Channel, all waters extending 200 yards in all directions from a fireworks display barge located in the Mobile Channel between the Arthur R. Outlaw Convention Center and Cooper Riverside Park.
9. Biannually occurring during odd numbered years; 2 Days; Mid-March to end of April.	Angels Over the Bay/Keesler Air Force Base.	Back Bay Biloxi, Biloxi, MS	Back Bay Biloxi, Bounded by the following coordinates: Eastern boundary; Latitude 30°25′47.6″ N, Longitude 088°54′13.6″ W, to Latitude 30°24′43″ N, Longitude 088°54′13.6″ W. Western Boundary; Latitude 30°25′25.6″ N, Longitude 088°56′9″ W, to Latitude 30°24′55″ N, Longitude 088°56′9″ W.
10. 4 Days; 2nd weekend in July ..	Pensacola Beach Air Show/Santa Rosa Island Authority.	Gulf of Mexico & Santa Rosa Sound, Pensacola, FL.	Gulf of Mexico to include all waters 1.75 nautical miles east and 1.5 nautical miles west of position 30°19′36″ N, 087°08′23″ W and extending 1000 yards south of Pensacola Beach creating a box, referred to as the ''Show Box''. Santa Rosa Sound to include all waters from Deer Point to Sharp Point and all waters within Little Sabine Bay.

Dated: April 7, 2014.

Kevin Cook,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2014–09061 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0161]

RIN 1625–AA00

Safety Zone; Xterra Swim, Myrtle Beach, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone during the Xterra swim, a swimming race occurring on waters of the Intracoastal Waterway in Myrtle Beach, South Carolina. The Xterra Swim is scheduled to take place on Sunday, May 4, 2014. The temporary safety zone is necessary for the safety of the swimmers, participant vessels, spectators, and the general public during the event. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective on May 4, 2014. This rule will be enforced from 7:30 a.m. until 8:15 a.m. on May 4, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0161. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Warrant Officer Christopher Ruleman, Sector Charleston Waterways Management, U.S. Coast Guard; telephone (843) 740–3184, email *christopher.l.ruleman@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard did not receive necessary information about the event until March 6, 2014. As a result, the Coast Guard did not have sufficient time to publish an NPRM and to receive public comments prior to the event. Any delay in the effective date of this rule would be contrary to the public interest because immediate action is needed to minimize potential danger to the race participants, spectators and the general public.

Under 5 U.S.C. 553(d)(3) and for the same reasons as stated above, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

B. Basis and Purpose

(a) The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

The purpose of the rule is to ensure the safety of the swimmers, participant vessels, spectators, and the general public during the Xterra Swim.

C. Discussion of the Final Rule

On Sunday, May 4, 2014, the Xterra Swim is scheduled to take place on the waters of the Intracoastal Waterway between the following two points of position and the North shore: 33°45′02″ N, 78°50′53″ W to 33°45′11″ N, 78°50′32″ W. The race will consist of an 800 yard swim loop with approximately 150 swimmers.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The economic impact of this rule is not significant for the following reasons: (1) The safety zone will only be enforced for a total of 45 minutes; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the safety zone if authorized by the Captain of the Port Charleston or a designated representative; and (4) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612), as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

(1) This rule would affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the Intracoastal Waterway in Myrtle Beach, South

Carolina from 7:30 a.m. until 8:15 a.m. on May 4, 2014.

(2) For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

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

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

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary safety zone on waters of the Intracoastal Waterway in Myrtle Beach, South Carolina during the Xterra Swim event on Sunday, May 4, 2014. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative. This rule is categorically excluded from further review under paragraph (34)(g) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 33 CFR 1.05–1(g), and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0161 to read as follows:

§ 165.T07–0161 Safety Zone; Xterra Swim, Myrtle Beach, SC.

(a) *Regulated area.* The following regulated area is a safety zone: All waters within the following two points of position and the North shore: 33°45′02″ N, 78°50′53″ W to 33°45′11″ N, 78°50′32″ W. The Xterra Swim race consists of an 800 yard swim loop with approximately 150 swimmers. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at 843–740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective date.* This rule is effective on May 4, 2014. This rule will be enforced from 7:30 a.m. until 8:15 a.m. on Sunday, May 4, 2014.

Dated: April 4, 2014.

R.R. Rodriguez,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2014–09060 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0320]

RIN 1625–AA00

Safety Zone, Chicago Harbor, Navy Pier Southeast, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Navy Pier Southeast Safety Zone within the Chicago Harbor during specified periods from May 24, 2014, through January 1, 2015. This action is necessary and intended to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after various firework events. During the enforcement periods listed below, no person or vessel may enter the safety zone without permission of the Captain of the Port, Lake Michigan.

DATES: The regulations in 33 CFR 165.931 will be enforced at specified times between 10 p.m. on May 24, 2014, through 12:30 a.m. on January 1, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email MST1 John Ng, Waterways Management Division, Marine Safety Unit Chicago, telephone 630–986–2122, email address *john.h.ng@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL listed in 33 CFR 165.931, on each Saturday from 10 p.m. until 10:30 p.m. and each Wednesday from 9:15 p.m. until 9:45 p.m. during the period starting May 24, 2014, through August 30, 2014. Additionally, on the dates below during this period, this safety zone will be enforced with the following adjustments in times:

- Friday, July 4, 2014, from 9:15 p.m. until 10 p.m.;
- Saturday, August 9, 2014, from 9:15 p.m. until 9:45 p.m.;
- Saturday, October 25, 2014, from 9 p.m. until 10:30 p.m.; and
- Wednesday, December 31, 2014, from 11:45 p.m. until 12:30 a.m. on Thursday, January 1, 2015.

This safety zone encompasses the waters of Lake Michigan within Chicago Harbor bounded by coordinates beginning at 41°53′26.5″ N, 087°35′26.5″ W; then south to 41°53′7.6″ N, 087°35′26.3″ W; then west to 41°53′7.6″ N, 087°36′23.2″ W; then north to 41°53′26.5″ N, 087°36′24.6″ W; then east back to the point of origin (NAD 83). All vessels must obtain permission from the Captain of the Port, Lake Michigan, or his on-scene representative to enter, move within or exit the safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port, Lake Michigan, or his on-scene representative.

This notice is issued under authority of 33 CFR 165.931 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of these enforcement periods via broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port, Lake Michigan, determines that the safety zone need not be enforced for the full duration stated in this notice, he may use a Broadcast Notice to Mariners to grant general permission to enter the safety zone. The Captain of the Port, Lake Michigan, or his on-scene representative may be contacted via VHF Channel 16.

Dated: April 10, 2014.

K.M. Moser,

Commander, U.S. Coast Guard, Acting Captain of the Port, Lake Michigan.

[FR Doc. 2014–09058 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2012–0464; FRL–9909–50–Region–5]

Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Redesignation of the Milwaukee-Racine 2006 24-Hour Fine Particle Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving Wisconsin's request to redesignate the Milwaukee-Racine, Wisconsin nonattainment area (Milwaukee, Racine and Waukesha Counties) to attainment for the 2006 24-hour National Ambient Air Quality Standard (NAAQS or standard) for fine particulate matter ($PM_{2.5}$) because the request meets the statutory requirements for redesignation under the Clean Air Act (CAA). The Wisconsin Department of Natural Resources (WDNR) submitted this request to EPA on June 8, 2012, and supplemented it on May 30, 2013. EPA's approval involves several related actions. EPA is making a determination that the Milwaukee-Racine area has attained the 2006 24-hour $PM_{2.5}$ standard. EPA is approving, as a revision to the Wisconsin state implementation plan (SIP), the state's plan for maintaining the 2006 24-hour $PM_{2.5}$ NAAQS through 2025 in the area. EPA is also approving the comprehensive emissions inventories submitted by WDNR for Nitrogen Oxides (NO_X), Sulfur Dioxide (SO_2), primary $PM_{2.5}$, Volatile Organic Compounds (VOC), and ammonia as meeting the requirements of the CAA. Finally, EPA finds adequate and is approving Wisconsin's direct $PM_{2.5}$, SO_2, NO_X and VOC Motor Vehicle Emission Budgets (MVEBs) for 2020 and 2025 for the Milwaukee-Racine area.

DATES: This final rule is effective on April 22, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2012–0464. All documents in the docket are listed on

the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy 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 Gilberto Alvarez, Environmental Scientist, at (312 886–6143 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Gilberto Alvarez, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6143, *alvarez.gilberto@epa.gov*.

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

I. What is the background for the actions?
II. What actions is EPA taking?
III. What is EPA's response to comments?
IV. Why is EPA taking these actions?
V. Final Action
VI. Statutory and Executive Order Reviews

I. What is the background for the actions?

On June 8, 2012, WDNR submitted its request to redesignate the Milwaukee-Racine, Wisconsin nonattainment area (Milwaukee, Racine and Waukesha Counties) to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS, and for EPA approval of the SIP revision containing an emissions inventory and a maintenance plan for the area. WDNR supplemented its submission on May 30, 2013. On February 18, 2014, EPA published a proposed rule (79 FR 9134) making a determination that the Milwaukee-Racine area is attaining the 2006 24-hour $PM_{2.5}$ standard and that the area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA.

II. What actions is EPA taking?

EPA has determined that the Milwaukee-Racine area has attained and continues to attain the 2006 24-hour $PM_{2.5}$ standard, that the area has attained this standard by the applicable attainment date, and that the area meets the requirements for redesignation under section 107(d)(3)(E) of the CAA. EPA proposed this determination based on monitoring data showing attainment of the standard for the 2008–2010, 2009–2011, 2010–2012 and 2013 time periods. Monitoring data for 2013 show that the area continues to attain the standard. Because the area continues to attain the standard and meets all other requirements for redesignation under CAA section 107(d)(3)(E), EPA is approving the request from Wisconsin to change the legal designation of the Milwaukee-Racine area from nonattainment to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS.

EPA is taking several actions related to Wisconsin's $PM_{2.5}$ redesignation request, as discussed below.

EPA is approving, pursuant to CAA section 175A, Wisconsin's 2006 24-hour $PM_{2.5}$ maintenance plan for the Milwaukee-Racine area as a revision to the Wisconsin SIP (such approval being one of the CAA criteria for redesignation to attainment status). The maintenance plan is designed to keep the Milwaukee-Racine area in attainment of the 2006 24-hour $PM_{2.5}$ NAAQS through 2025.

EPA is approving, pursuant to CAA section 172(c)(3), both the 2006 emission inventories for primary $PM_{2.5}$,[1] NO_X, VOC and SO_2,[2] and the 2007 emission inventory for ammonia. These emission inventories satisfy the requirement in section 172(c)(3) of the CAA for a comprehensive, current emission inventory.

Finally, for transportation conformity purposes EPA finds adequate and is approving Wisconsin's direct $PM_{2.5}$, SO_2, NO_X and VOC MVEBs for 2020 and 2025 for the Milwaukee-Racine area.

III. What is EPA's response to comments?

EPA received no adverse comments on the February 18, 2014, proposal. EPA received four comments in support of the February 18, 2014, proposal from: (1) Harold Pederson, a private citizen, (2) the WDNR, (3) Eric Bott, with the Wisconsin Manufacturers & Commerce organization and (4) five members of the United States Congressional delegation from Wisconsin.

In addition, EPA would like to correct two of the 98th Percentile values within Table 1 on page 9136 of the proposed rule (79 FR 9134). The value (in micrograms per cubic meter) for 2013 for monitor number 550790026 which is currently listed as 19.0 should be changed to 21.2. The value for 2013 for monitor number 550790099 which is currently 19.7 should be changed to 20.5. The original values were entered incorrectly due to a calculation error. EPA notes that both of these corrected values are still below the NAAQS and do not impact the overall outcome of the redesignation.

IV. Why is EPA taking these actions?

EPA has determined that the Milwaukee-Racine area has attained and continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS and that the area has attained this standard by its applicable attainment date. EPA has also determined that all other criteria have been met for the redesignation of the Milwaukee-Racine area from nonattainment to attainment of the 2006 24-hour $PM_{2.5}$ NAAQS and for approval of Wisconsin's maintenance plan for the area. *See* CAA sections 107(d)(3)(E) and 175A. The detailed rationale for EPA's findings and actions is set forth in the proposed rulemaking of February 18, 2014 (79 FR 9134), and in this final rulemaking.

V. Final Action

EPA is making a determination that the Milwaukee-Racine area has attained the 2006 24-hour $PM_{2.5}$ standard by its attainment date and that the area continues to attain the standard. EPA has determined that the area has met the requirements for redesignation under section 107(d)(3)(E) and 175A of the CAA. EPA is thus approving the request from Wisconsin to change the legal designation of the Milwaukee-Racine area from nonattainment to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. EPA is also approving Wisconsin's $PM_{2.5}$ maintenance plan for the Milwaukee-Racine area as a revision to the Wisconsin SIP, because the plan meets the requirements of section 175A of the CAA. EPA is approving the comprehensive emissions inventories submitted by WDNR for NO_X, SO_2, primary $PM_{2.5}$, VOC, and ammonia as meeting the requirements of the CAA. Finally, EPA finds adequate and is approving Wisconsin's direct $PM_{2.5}$, SO_2, NO_X and VOC MVEBs for 2020 and 2025 for the Milwaukee-Racine area.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for these actions to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to

[1] Fine particulates directly emitted by sources and not formed in a secondary manner through chemical reactions or other processes in the atmosphere.

[2] NO_X and SO_2 are precursors for fine particulates through chemical reactions and other related processes in the atmosphere.

attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction,'' and section 553(d)(3) which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the state of planning requirements for the Milwaukee-Racine 24-hour $PM_{2.5}$ nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for these actions to become effective on the date of publication of these actions.

VI. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the 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, these actions merely do not impose additional requirements beyond those imposed by state law and the CAA. For that reason, these actions:

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

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because a determination of attainment is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of particulate matter national ambient air quality standards in tribal lands.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 23, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of these actions for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. These actions may not be challenged later in proceedings to enforce their requirements. (See section 307(b)(2))

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: April 4, 2014.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR parts 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.2584 is amended by adding paragraphs (d) and (e) to read as follows:

§ 52.2584 Control strategy; Particulate matter.

* * * * *

(d) Approval—On April 22, 2014, EPA approved the 2006 24-Hour $PM_{2.5}$ maintenance plan for the Milwaukee-Racine nonattainment area (Milwaukee, Racine and Waukesha Counties), as submitted on June 8, 2012. The maintenance plan establishes 2020 motor vehicle emissions budgets for the Milwaukee-Racine area of 2.33 tons per winter day 1 (tpwd) and 2.16 tpwd direct $PM_{2.5}$ and 32.62 tpwd and 28.69 tpwd NO_X for the years 2020 and 2025, respectively.

(e) Approval—On April 22, 2014, EPA approved the 2006 24-hour $PM_{2.5}$ comprehensive emissions inventories for the Milwaukee-Racine area (Milwaukee, Racine and Waukesha Counties). Wisconsin's 2006 NO_X,

directly emitted $PM_{2.5}$, SO_2, VOC, as well as the 2007 supplemental ammonia emissions inventory satisfies the emission inventory requirements of section 172(c)(3) of the Clean Air Act for the Milwaukee-Racine area.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.350 is amended by revising the entry for Milwaukee-Racine, WI in the table entitled ''Wisconsin—$PM_{2.5}$ [24-Hour NAAQS]'' to read as follows:

§ 81.350 Wisconsin.

* * * * *

WISCONSIN—$PM_{2.5}$
[24-Hour NAAQS]

Designated area	Designation for the 1997 NAAQS [a]		Designation for the 2006 NAAQS [a]	
	Date [1]	Type	Date [2]	Type
Milwaukee-Racine, WI:				
Milwaukee County	.....	Unclassifiable/Attainment	April 22, 2014	Attainment.
Racine County				
Waukesha County				
* * *	*	*	*	*

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

* * * * *

[FR Doc. 2014–08613 Filed 4–21–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0791; FRL–9908–83]

Linuron; Pesticide Tolerances; Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: EPA issued a final rule in the **Federal Register** of February 12, 2014, concerning the establishment of tolerances for residues of linuron in or on multiple commodities and the removal of a tolerance with regional registrations in or on parsley leaves. This document corrects an error in the listing of the registrant associated with this action.

DATES: This final rule correction is effective April 22, 2014.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0791, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave., NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

The Agency included in the final rule published in the **Federal Register** of February 12, 2014 (79 FR 8301) (FRL–9905–22) a list of those who may be potentially affected by this action.

II. What does this technical correction do?

EPA issued a final rule in the **Federal Register** of February 12, 2014, that established tolerances for residues of linuron in or on multiple commodities and removed a tolerance with regional registrations in or on parsley leaves. EPA inadvertently listed the incorrect registrant associated with this action as Syngenta Crop Protection, LLC, in Unit II. Summary of Petitioned-for Tolerance. The correct registrant associated with this action is Tessenderlo Kerley, Inc. The same incorrect registrant's name appears in the notice of receipt associated with this regulatory action, which published in the **Federal Register** of November 7, 2012 (77 FR 66832) (FRL–9523–9).

The preamble for FR Doc. 2014–03077, published in the **Federal Register** of February 12, 2014 (79 FR 8301) is corrected as follows:

On page 8302, under the heading ''II. Summary of Petitioned-for Tolerance,'' second column, first full paragraph, line 22, correct ''Syngenta Crop Protection, LLC'' to read ''Tessenderlo Kerley, Inc.''.

III. Why is this correction issued as a final rule?

Section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment, because the technical amendment serves only to correct the registrant that is listed as having prepared a summary of the petition associated with the final rule. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

IV. Do any of the statutory and Executive Order reviews apply to this action?

No. For a detailed discussion concerning the statutory and executive order review, refer to ''Unit VII. Statutory and Executive Order Reviews'' of the February 12, 2014 final rule.

V. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: April 14, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–09010 Filed 4–21–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140220164–4164–01]

RIN 0648–BE00

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Fishing Year 2014; Recreational Management Measures

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

ACTION: Interim final rule; request for comments.

SUMMARY: This action changes the Gulf of Maine Atlantic cod and haddock recreational fishery minimum fish size requirements, per-angler possession limits, and fishing seasons for the 2014 fishing year (May 1, 2014–April 30, 2015). This action is necessary to ensure that recreational catch does not exceed recreational catch limits for these two stocks for the 2014 fishing year, consistent with the Northeast Multispecies Fishery Management Plan accountability measures. The intended effect of the changes is to ensure effective management so recreational catch limits are not exceeded as part of the larger Northeast multispecies catch limit and accountability measures management system designed to prevent overfishing.

DATES: Effective May 1, 2014. Comments must be received by May 22, 2014.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2014–0044, by any of the following methods:

- *Electronic submissions:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0044,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on the FY 2014 Cod and Haddock Recreational Measures.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Copies of a supplemental environmental assessment (EA) to Framework (FW) 51 prepared by the Greater Atlantic Regional Fisheries Office (GARFO) and Northeast Fisheries Science Center (Center) and the FW 51 EA prepared by the New England Fishery Management Council (Council) for this rulemaking are available from John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. The FW 51 EA and supplement are also accessible via the Internet at *www.nero.noaa.gov/sfd/sfdmulti.html.*

FOR FURTHER INFORMATION CONTACT: Michael Ruccio, Fishery Policy Analyst, phone: 978–281–9104.

SUPPLEMENTARY INFORMATION:

Fishing Year (FY) 2014 Recreational Management Measures

After consultation with the Council, NMFS is implementing through this rule measures to ensure FY 2014 Gulf of Maine (GOM) cod and haddock recreational catch do not exceed the recreational sub-annual catch limits (sub-ACLs) for these stocks. These measures are specified in Table 1 with information on FY 2013 measures for comparison.

TABLE 1—GOM COD AND HADDOCK RECREATIONAL MANAGEMENT MEASURES FOR FY 2014 AND CHANGES FROM FY 2013 MEASURES

	FY 2014 measures			FY 2013 measures		
Species	Per day possession limit (fish per angler)	Minimum fish size, inches (cm)	Possession prohibited (GOM area)	Per day possession limit	Minimum fish size, inches (cm)	Possession prohibited (GOM area)
Cod	9	21 (53.34)	September 1, 2014–April 14, 2015.	9	19 (48.26 mm)	November 1–April 15.
Haddock	3	21 (53.34)	September 1–November 30, 2014 and March 1–April 30, 2015.	unlimited	21 (53.34)	None.

The description for how days are counted for daily possession limits is found at § 648.89(c)(4).

The measures NMFS is implementing for FY 2014 are projected to have a 50-percent or greater probability of achieving a total mortality estimate of 422 mt for recreational GOM cod (64 mt less than the sub-ACL) and 80 mt of haddock (7 mt lower than the sub-ACL). The provisions requiring these measures can be found in § 648.89(f)(2) of the Northeast Multispecies Fishery Management Plan (FMP) implementing regulations.

Background

More substantial background on this action, including details on Recreational Advisory Panel (RAP) and Council-recommended measures and the resulting projected catch in FY 2014 associated with those options, can be found in the supplemental EA prepared for this action. Additional information regarding the presentations and discussions held by the RAP and Council are available on the Council's Web site: *http://www.nefmc.org/.* The supplemental EA is available as outlined in the **ADDRESSESS** section of this rule's preamble. NMFS is concurrently developing a proposed rule with the Council's catch recommendations, including recreational catch limits, and other FY 2014 management measures contained in Framework Adjustment (FW 51) to the FMP for May 1, 2014, implementation. The proposed and final rules for FW 51 (when published), along with supporting analyses for FW 51 can be found at the Federal electronic rulemaking portal: Regulations.gov. Reference docket NOAA–NMFS–2014–0003. *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0003.* The following is a brief background overview.

Based on measures implemented pursuant to Framework Adjustment 48 to the FMP, when the current fishing year recreational GOM cod and haddock catch is projected to exceed the established recreational sub-ACLs, NMFS must, after consultation with the Council, adjust the recreational management measures through rulemaking for the upcoming season to ensure that catch limits are not exceeded. Recreational management measures generally include a combination of the minimum fish size anglers may keep, the number of fish anglers may keep (possession limit), and the seasons when fishing is allowed.

The GOM cod and haddock recreational catch estimates indicate the estimated FY 2013 GOM cod catch is 706 mt and 256 mt for GOM haddock.[1] These catch estimates significantly exceed the fishing year FY 2013 sub-ACLs, which is 486 mt for GOM cod and is 74 mt for GOM haddock. For FY 2014, the Council has recommended a recreational 486-mt sub-ACL for GOM cod and an 87-mt recreational sub-ACL for GOM haddock. As specified in Table 2, in order not to not exceed the recommended sub-ACLS in FY 2014, recreational GOM cod catch must be reduced from actual 2013 catch estimates by 31 percent for GOM cod and 66 percent for GOM haddock.

TABLE 2—FY 2013 AND 2014 RECREATIONAL GOM COD AND HADDOCK CATCH, CATCH LIMITS, AND CATCH REDUCTION INFORMATION, IN METRIC TONS (MT)

GOM Stock	FY 2013 sub-ACL	Estimated total catch	Percent of FY 2013 sub-ACL caught	Council-recommended FY 2014 sub-ACL	Percent reduction in landings needed for FY 2014
Cod	486	706	145	486	31
Haddock	74	256	246	87	66

Total catch = MRIP data through Wave 6 (December 31, 2013) and projected Wave 2 (April–May, 2014) data.

On February 19, 2014, NMFS Office of Science and Technology revised MRIP data from 2003–present to correct an error found in the data processing of length-weight information. This revision did not change effort and catch in numbers of fish but did impact all length-weight related estimates. Analyses conducted by staff from NMFS Northeast Fisheries Science Center indicate that the data revisions did not significantly change the previous catch projections for FY 2013 or the analysis of potential FY 2014 measures. Additional evaluation of potential impacts throughout the time series is ongoing.

Because annual year-to-year recreational management measures are considered to be a temporary specification under the FMP, they are not codified in the *Code of Federal Regulations.* Instead, rules like this one are promulgated and announced in the **Federal Register** and further communicated to the public in letters to Federal permit holders, published on-line/Web site notices, and multiple information outlets such as social media, notices to states and recreational fishing associations, etc. Violation of specifications, such as these recreational management measures, is prohibited under § 648.14(a)(1).

As part of the consultation process required to implement these measures, the Council convened the RAP on February 19, 2014, to recommend management measure changes for the Council's consideration. The RAP recommendation and additional alternatives were discussed by the Council at its February 25, 2014, meeting. The Council recommended that NMFS consider the RAP and additional recommendations from the Council. The Council also requested additional analyses to evaluate the potential catch reduction that would result from changes to the cod and haddock possession limits.

None of the alternatives recommended by the RAP or the Council provide at least a 50-percent probability (i.e., 50/50) of preventing FY 2014 recreational sub-ACLs for these two stocks from being exceeded based on FY 2013 catch. To determine what measures are necessary to have at least a 50-percent probability of preventing these sub-ACLs from being exceeded, NMFS analyzed additional options for FY 2014 measures as more fully

[1] Marine Recreational Information Program (MRIP) data through May 1–December 31, 2013, with projected landings for the rest of the fishing year based on prior year catch in March–April 2013 (referred to as Wave 2; under MRIP, a calendar year is divided into six 2-two month ''Waves''). Note the projection for calendar year 2014 does not include January and February. Wave 1 (January–February) is not sampled even though the haddock fishery is open. Effort and catch is believed to be minimal during this time period.

discussed in the Supplemental EA. Based on this additional analysis, NMFS derived the measures specified in Table 1.

NMFS is aware that the reduction in haddock possession limit is a substantial change in the fishery and was only discussed as a management concept during the RAP and Council meetings. NMFS sought to find measures that made use of as much of the Council's recommendations as possible and that were consistent with the non-binding prioritization in the proactive accountability measures language (§ 648.89(f)(3)), while mitigating impacts on the recreational fishery to the extent practicable. For example, the FY 2014 measures retain the 21-inch (53.34-cm) minimum fish size and Wave 5 (September–October 2014) closure recommended by the Council and supported in public comments during the Council proceedings. The measures also make use of a reduced haddock bag limit which is consistent with one of the Council's recommendations. The addition of a Wave 2 (March–April 2015) closure provides a median probability catch below the FY 2014 haddock recreational sub-ACL.

A benchmark stock assessment for GOM haddock is planned for June 2014. The results from this assessment should be available by late summer. NMFS will consider the results when available along with public comment on these interim measures and take appropriate action if warranted. While the outcome of the assessment cannot be predicted, part of the rationale for including a spring closure for haddock as opposed to an earlier closure is the possibility that the measures may be changed before the closure occurs.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a determination that this interim rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries finds good cause to waive the otherwise applicable requirements for both notice and comment rulemaking and a 30-day delay in effectiveness for this interim final action implementing FY 2014 recreational GOM cod and haddock management measures. As explained in further detail hereafter, the availability of information necessary to ensure that measures were in place for the May 1, 2014, start of the fishing year made it impracticable to provide prior notice-and-comment opportunity and a 30-day delay in effectiveness and still get the measures in place in a timely fashion. The measures being implemented by this interim final rule are substantial reductions from those in place for FY 2013. Fishing effort and catch are both strong in May and subsequent summer months. Delaying implementation of FY 2014 measures until sometime after May 1, 2014, could require the implementation of even more stringent measures with possibly more social and economic impacts to fishery participants to ensure limits on total catch for the year are not exceeded. Doing so would be contrary to the public interest and would undermine the intent of the rule. Development of measures was publicly discussed at a RAP and Council meeting in February 2014 and NMFS is soliciting public comment on the interim measures contained in this rule.

Recreational fisheries data are available from NMFS's MRIP survey program approximately 45 days after each 2-month sampling wave. The necessary information to evaluate FY 2013 fishery performance through October 2013 was not available until mid-December 2013. An initial evaluation of these data occurred shortly thereafter and NMFS notified the Council by letter on January 17, 2014, that the FY 2013 recreational sub-ACLs for both GOM cod and haddock had been exceeded and that NMFS intended to adjust FY 2014 measures in accordance with requirements in regulations for implementing accountability measures to address the overage. These requirements require that NMFS consult with the Council before setting new ACLs. As part of this consultation process for FY 2014, the Council had to convene its RAP and consider possible recommendations for NMFS. The earliest that the Council could consider these recommendations was at its February 25, 2014, meeting. The Council, in turn, forwarded recommendations to NMFS to consider as measures for FY 2014 that begins on May 1, 2014.

These timing-related issues paired with the need to complete analyses and the rulemaking processes make it impossible to propose recreational measures through notice-and-comment rulemaking before the start of the fishing year, May 1, 2014. By implementing these measures through an interim final rule, NMFS can provide some advance notice to the public, though less than 30 days, and receive comments on the interim final rule. These comments will be considered and any necessary changes to measures put forward in a final rule later in the fishing year.

For the reasons outlined, NMFS finds it impracticable and contrary to the public interest to provide prior opportunity to comment on FY 2014 recreational management measures and provide a 30-day delay in implementation. Therefore there exists good cause to waive both of those requirements.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This interim final rule does not contain policies with Federalism or ''takings'' implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

This interim final rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior notice and opportunity for public comment.

Dated: April 17, 2014.

Paul N. Doremus,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

[FR Doc. 2014–09140 Filed 4–21–14; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 648 and 697

[Docket No. 140106011–4338–02]

RIN 0648–BD88

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Framework Adjustment 51

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

ACTION: Final rule.

SUMMARY: NMFS has partially approved Framework Adjustment 51 to the Northeast Multispecies Fishery Management Plan (Groundfish FMP), and this final rule implements the approved measures. This action sets catch limits for groundfish stocks, revises the rebuilding programs for Gulf of Maine cod and American plaice, modifies management measures for yellowtail flounder, and revises management measures for the U.S./

Canada Management Area. Although not part of Framework 51, this action also sets fishing year 2014 trip limits for the common pool fishery and announces 2014 accountability measures for windowpane flounder. This action is necessary to respond to updated scientific information and achieve the goals and objectives of the Groundfish FMP. The approved measures are intended to help prevent overfishing, rebuild overfished stocks, achieve optimum yield, and ensure that management measures are based on the best scientific information available.

DATES: This final rule is effective on May 1, 2014.

FOR FURTHER INFORMATION CONTACT: Sarah Heil, Fishery Policy Analyst, phone: 978–281–9257.

SUPPLEMENTARY INFORMATION:

Background

The Groundfish FMP specifies management measures for 16 groundfish species in Federal waters off the New England and Mid-Atlantic coasts. Based on fish size, and the type of gear used to catch the fish, some of these species are managed as ''small-mesh species,'' and others are managed as ''large-mesh species.'' Small-mesh species include silver hake (whiting), red hake, offshore hake, and ocean pout. Of these species, silver hake (whiting), red hake, and offshore hake are managed under a separate small-mesh multispecies program. Large-mesh species include Atlantic cod, haddock, yellowtail flounder, American plaice, witch flounder, winter flounder, Acadian redfish, white hake, pollock, windowpane flounder, ocean pout, Atlantic halibut, and Atlantic wolffish. These large-mesh species are divided into 19 stocks based on their geographic distribution, and, along with ocean pout, are managed under the groundfish program.

The New England Fishery Management Council (Council) is required to set annual catch limits for each groundfish stock, along with accountability measures that help ensure the catch limits are not exceeded and, if they are, that help mitigate the overage. The Council develops annual or biennial management actions to set catch limits based on the best scientific information available and adjust management measures for the groundfish fishery that will help prevent overfishing, rebuild overfished stocks, and achieve optimum yield. For most groundfish stocks, the Council typically adopts catch limits for 3 years at a time. Although it is expected that the Council will adopt new catch limits every 2 years, specifying catch levels for a third year ensures there are default catch limits in place in the event that a management action is delayed. The Council sets catch limits annually for the three transboundary Georges Bank (GB) stocks that are jointly managed with Canada (GB yellowtail flounder, eastern GB cod, and eastern GB haddock), as described in more detail later in this preamble.

Last year, the Council adopted, and we partially approved, Framework 50, which set fishing year (FY) 2013–2015 catch limits for all groundfish stocks, except for white hake and the U.S./Canada stocks. The Council has now developed and adopted Framework 51 in order to respond to new stock assessment information for white hake and the shared U.S./Canada stocks. Based on updated information for other groundfish stocks, the Council has also adopted revised rebuilding programs for Gulf of Maine (GOM) cod and American plaice, as well as other changes to groundfish management measures that better meet the goals and objectives of the Groundfish FMP.

Disapproved Measures

1. Gulf of Maine Cod and American Plaice Rebuilding Plan Review Analysis

Framework 51 proposed to establish a rebuilding plan review analysis for GOM cod and plaice in conjunction with the revised rebuilding programs adopted in this final rule. The rebuilding plan review analysis will be triggered if the stock falls below its rebuilding trajectory, among other criteria, and is intended to investigate why rebuilding did not occur as expected. We are partially disapproving the proposed rebuilding plan review analysis to remove irrelevant portions of the measure and the regulatory provisions related to these parts of the review analysis.

Portions of the proposed rebuilding plan review were intended to consider extending the rebuilding programs for GOM cod and plaice to the maximum 10 years allowed under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Although these portions of the proposed measure were initially included because the Council was considering shorter rebuilding timelines for both stocks, the Council ultimately adopted, and we have approved, 10-year rebuilding programs for GOM cod and plaice. As a result, we noted in the proposed rule for this action that the portions of the proposed measure related to consideration of extending the rebuilding program to 10 years appeared to be irrelevant and redundant, and requested specific comments on these portions of the rebuilding plan review analysis. We received no public comments that specifically addressed our concerns, or demonstrated why these portions of the rebuilding plan review analysis for GOM cod and plaice were still necessary. In the absence of any justification for keeping these portions of the review analysis, we have determined that the provisions related to extending the rebuilding program to 10 years are not applicable or meaningful to this action and, as a result, is not consistent with National Standard 7 of the Magnuson-Stevens Act. Based on this determination, we have disapproved these portions of the rebuilding plan review analysis.

2. Revised Discard Estimation for Georges Bank Yellowtail Flounder

Framework 51 proposed to change the stratification of GB yellowtail flounder discards for sectors and calculate discards for two different areas: (1) Statistical area 522; and (2) statistical areas 525, 561, and 562 combined. Under the existing stratification (a single stratum for statistical areas 522, 525, 561, and 562), the Council was concerned that even if some sector vessels fished in areas on GB where little yellowtail flounder is caught, in order to reduce catch of GB yellowtail flounder, other vessels fishing on other parts of GB, with higher catch rates of yellowtail flounder, would impact the discard rate for the entire sector. As a result, creating separate strata for statistical area 522 and statistical areas 525, 561, and 562 combined was intended to more accurately reflect yellowtail flounder discards and fishing activity in these areas. When the Council took final action on Framework 51, and adopted the proposed measure, it also passed a motion that the measure be implemented ''unless NMFS develops a discard tool to address this issue through the sectors.'' This discard tool is explained in more detail further below.

We have disapproved the proposed revisions to the GB yellowtail flounder discard strata because it would unnecessarily increase the cost and burden of monitoring sector catches, and potentially increase uncertainty of catch estimates, without any measurable benefits for sectors. During the development of Framework 51, we noted concerns for the approvability of this measure because it was unchanged from the same measure that we disapproved last year in Framework 48, and no additional rationale or analysis was provided to sufficiently overcome

our previous determination that the measure was not consistent with National Standards 5 and 7 of the Magnuson-Stevens Act. We noted these same concerns in the proposed rule for this action, and requested specific comment on this issue. Based on a review of the proposed measure and public comments received, we determined that the added complications of administering this measure would increase costs more than it provides benefits to the fishing industry or improved catch estimates, and we explain each of these issues below. For these reasons, we determined that this measure is not consistent with National Standards 5 or 7 of the Magnuson-Stevens Act.

First, the revised discard strata may not improve the precision, or reduce the variances, of catch estimates for sectors. Creating an additional stratum for GB yellowtail flounder would reduce the number of observed trips contributing to the discard rate calculation for each stratum (area 522 and areas 525/561/562 combined), which could increase the variance in the catch estimates. This was demonstrated in the Council's analysis of this measure that showed the creation of two different areas for discard calculations reduced the number of observed trips to low levels for several sectors. Due to the smaller sample size, finer-scale stratification would also likely result in discard rate estimates, and thus catch estimates, that are more sensitive to outliers in the data. In addition, the revised discard strata could increase uncertainty of catch estimates if it increases errors in the statistical area reported for vessel landings. As the Council's analysis of the revised discard strata also indicates, if the measure resulted in increased variance of discard estimates, this could subsequently increase monitoring coverage levels necessary to accurately monitor sector catches. Lower observer coverage and this finer-scale stratification could also result in very high or low discard rates just from chance alone. Thus, without appropriate monitoring coverage, increased variability in discard estimates would affect our ability to reliably monitor sector catches, achieve the 30-percent coefficient of variation for each stock required by the Groundfish FMP, and ensure that overfishing is not occurring.

The Council's analysis of the revised discard strata also showed that it would not likely lead to large changes in the total discard estimates of GB yellowtail flounder, which appears to diminish any utility and benefit of the revised discard strata. While the finer-scale stratification could allow discard rates to more closely reflect actual discards of yellowtail flounder in different parts of Georges Bank, this measure would not have any real benefits for sectors that could not be achieved within the existing discard rate strata. Particularly given the reduction in the GB yellowtail flounder catch limit, sectors could already take advantage of the spatially different catch rates within the GB yellowtail flounder stock area by choosing to fish only in those areas with known low catch rates of GB yellowtail flounder. A separate discard rate for statistical area 522 could benefit an individual vessel with a lower GB yellowtail flounder discard rate, but that vessel would still be influenced by other vessels in its sector that choose to fish in other areas of Georges Bank with higher discards. A sector is limited by the total catch of GB yellowtail flounder by all of its member vessels, and finer-scale stratification does not eliminate the need for a sector to manage catch of GB yellowtail flounder by all of its vessels to prevent an early end to their fishing season. Based on the Framework 51 analysis, a separate discard rate in statistical area 522 could benefit some sectors; however, other sectors may be negatively affected by the proposed measure because it could increase their discard estimates.

In the proposed rule for this action, we requested specific comment to address our concerns for the revised discard strata. We only received one comment on this measure, and that comment did not address our concerns relative to National Standards 5 and 7 of the Magnuson-Stevens Act. As a result, no additional rationale has been provided to sufficiently respond to our concerns about this measure, or show that the increased administrative burden would be meaningfully offset by measurable benefits for sectors. Thus, due to all of our concerns that this measure could increase the uncertainty of catch estimates and the costs of monitoring and administration of sectors without any corresponding benefits to sectors, we have determined that it is not consistent with National Standards 5 and 7, and have disapproved this measure.

When adopting Framework 51, the Council expressed that it preferred a sector discard tool be developed instead of the revised discard strata proposed in Framework 51. We evaluated the approvability of the revised discard strata on its own merits, and concluded that the revised discard strata is not consistent with applicable law, as already stated above. However, we also considered the Council's preference for a discard tool to be provided to sectors that could serve as an alternative approach to address concerns for sector discard calculations. This tool does not require any regulatory changes and, unlike the proposed revision to the GB yellowtail flounder discard strata, it does not change the discard estimates for each sector. Rather, the discard tool is intended to help sectors allocate estimated discards among member vessels. Shortly after the Council took final action on Framework 51, we developed a discard tool for sectors, and presented this tool at a sector workshop in February 2014. The Council has not had the opportunity to comment on the discard tool we developed due to timing of meetings; however, we provide a brief summary below of potential uses for the new discard tool, and our efforts to work with the sectors to improve its utility.

There are multiple uses of this tool that could allow a sector to assign discards in any number of ways, and each sector can potentially customize the discard tool based on the sector's business model. For example, the tool could be used to assign discards for a particular stock, for inshore and offshore vessels, for vessels using slightly different gear configurations, to exclude certain vessels or groups of vessels from the discard calculation, or assign discards on a number of other criteria including vessels size, target species, or season fished. Due to this wide range of possible uses, the discard tool potentially addresses concerns for sector discard estimates more than any revisions to the discard strata for a single stock, as proposed in Framework 51. We received initial feedback and public comments from sectors that the tool will likely be useful for sectors, though it could be difficult for sector representatives to learn how to properly use the tool. We realize that sector managers will likely need, and benefit from, additional training before the discard tool can be more widely used. Since the proposed rule to this action, we solicited additional feedback from sectors on the potential utility of this tool. We will continue to work with sector representatives to explain the various ways the tool can be used, and help sectors decide how the tool could best serve their needs.

Approved Measures

We have approved the following Framework 51 measures, and have determined that these measures are consistent with the goals and objectives of the Groundfish FMP, as well as the requirements of the Magnuson-Stevens Act:

1. Ten-year rebuilding programs for GOM cod and American plaice;
2. FY 2014 catch limits for the three shared U.S./Canada stocks;
3. FY 2014–2016 catch limits for white hake;
4. Accountability measures for GB yellowtail flounder for the small-mesh fisheries;
5. A 1-year U.S./Canada quota trading mechanism (for FY 2014 only);
6. A revision to the administration of eastern and western GB haddock sector allocations; and
7. Prohibition on possession of yellowtail flounder by limited access scallop vessels.

This rule also implements a number of other measures that are not part of Framework 51, but that were considered under NMFS Regional Administrator authority provided by the Groundfish FMP. We are including these additional measures in this rule in conjunction with the Framework 51 approved measures for expediency purposes. The additional measures implemented in this rule are listed below, and each is described in more detail later in this preamble.

• *FY 2014 management measures for the common pool fishery*—This action implements initial FY 2014 trip limits for the common pool fishery. The Regional Administrator has the authority to set management measures for the common pool fishery that will help ensure the fishery catches, but does not exceed, its catch limits. The trip limits included in this action reflect public comments we received on the proposed trip limits.

• *FY 2014 accountability measures for windowpane flounder*—We are announcing accountability measures for northern and southern windowpane flounder that have been triggered due to overages of the overall catch limits for both stocks. We also announced these accountability measures at the Council's Groundfish Oversight Committee meeting on November 19, 2013, and in our January 17, 2014, letter to the Council.

• *Other regulatory corrections*—We are implementing several corrections to the regulations to correct references, replace inadvertent deletions, and make other minor edits. Each correction is described in more detail in Item 10 of this preamble.

1. Gulf of Maine Cod and American Plaice Rebuilding Programs

Revised Rebuilding Strategies

This rule implements 10-year rebuilding plans for GOM cod and plaice that will rebuild the stocks by 2024 with a median probability of success. The previous rebuilding programs for GOM cod and plaice were scheduled to rebuild the stocks by 2014 and 2017, respectively. In 2012, updated scientific information indicated that neither stock could rebuild by its rebuilding end date, even in the absence of all fishing. As a result, we notified the Council that the stocks were not making adequate rebuilding progress, and that the Council was required to revise the rebuilding programs for both stocks within 2 years, or by May 1, 2014, consistent with the Magnuson-Stevens Act. The revised rebuilding strategies implemented in this action are in response to this mandate.

The Magnuson-Stevens Act requires that overfished stocks be rebuilt as quickly as possible, not to exceed 10 years, while accounting for the needs of fishing communities. The minimum rebuilding time (T_{min}) is the amount of time a stock is expected to take to rebuild to its maximum sustainable yield biomass level (SSB_{MSY}) in the absence of any fishing mortality. T_{min} for a stock is typically used for informational purposes when developing rebuilding programs, and it is important to note that T_{min} does not necessarily account for the needs of fishing communities, or scientific uncertainties in rebuilding projections. For GOM cod, T_{min} is 6 years, or 2020, and T_{min} for plaice is 4 years, or 2018. The rebuilding programs adopted in this action will use the maximum time period allowed by the Magnuson-Stevens Act, and as explained in more detail below, these programs intend to address the needs of fishing communities as much as practicable, as well as factor in past performance of groundfish catch projections in order to further increase the likelihood of rebuilding success.

Long-term catch projections for groundfish stocks tend to underestimate fishing mortality and overestimate stock biomass (see Appendix 5 to the 2012 groundfish assessment updates for more information: *http://nefsc.noaa.gov/publications/crd/crd1206/*). The inherent uncertainty surrounding long-term projections makes it difficult to estimate the fishing mortality rate that is required to rebuild the stock within the specified time frame, or $F_{rebuild}$. This uncertainty is due, in part, to the estimate's dependence on future stock recruitment (the amount of fish added to the stock each year), which is often difficult to predict. If stock recruitment does not occur as projected, then progress towards rebuilding can occur much slower than expected.

The Council's default control rule for setting catch limits requires that catches be set based on 75% F_{MSY} (i.e., the fishing mortality rate that, if applied over the long term, would result in maximum sustainable yield) or $F_{rebuild}$, whichever is lower. Typically, when a stock is in a rebuilding program, $F_{rebuild}$ is less than 75% F_{MSY}, and, thus, the annual catch limits are usually set based on $F_{rebuild}$. However, catch limits based on $F_{rebuild}$ tend to be unreliable since $F_{rebuild}$ in the near term is dependent on recruitment assumptions from the long-term catch projections. As a result, rebuilding progress for many groundfish stocks has often occurred slower than expected due to the uncertainties in long-term catch projections, which leads to dramatic reductions in catch limits as the rebuilding end date gets closer. As $F_{rebuild}$ approaches zero, it is less likely to be used for setting catch limits because of the resultant dramatic reductions in fishing mortality necessary to meet $F_{rebuild}$, which can undermine rebuilding objectives.

To help avoid this problem, all of the rebuilding strategies considered in Framework 51 for GOM cod and plaice were calculated using an $F_{rebuild}$ that was greater than 75% F_{MSY}. But during the rebuilding time period, catches will continue to be set consistent with the Council's default control rule (75% F_{MSY} or $F_{rebuild}$, whichever is lower). Thus, under this approach, catches will be set more conservatively than $F_{rebuild}$ (based on 75% F_{MSY}), at least initially in the revised rebuilding programs. Setting catches more conservatively than $F_{rebuild}$ is intended to account for uncertainties in the long-term catch projections that result from assumptions of recruitment that may be overly optimistic. This strategy is intended to accelerate the rebuilding timeline and increase the likelihood of success compared to traditional groundfish rebuilding programs that did not attempt to proactively address these uncertainties. In the future, if information shows that GOM cod and plaice stock sizes have not increased as projected, it is possible that $F_{rebuild}$ could become less than 75% F_{MSY}. Under this scenario, catches would then be set based on the lower rate, or $F_{rebuild}$, consistent with the Council's default control rule.

The 10-year rebuilding strategy for GOM cod also addresses the differences in the two stock assessment models, which make it difficult to project how quickly the stock can rebuild. The most recent stock assessment for GOM cod, completed in December 2012, approved two different assessment models, and both assessment models were approved

as the basis of providing catch advice. One assessment model (base case model) assumes the natural mortality rate (M) is 0.2. The second assessment model (M_{ramp} model) assumes that M has increased from 0.2 to 0.4 in recent years. The assessment concluded that M would return to 0.2 at some point, though, in the short-term, M would remain 0.4. As a result, fishing mortality targets used in the catch projections from both models are based on biological reference points that assume M=0.2. A detailed summary of the benchmark assessment is available from the NMFS Northeast Fisheries Science Center at: *http://www.nefsc.noaa.gov/saw/saw55/crd1301.pdf*.

Interpreting and developing a rebuilding program under the M_{ramp} model is difficult because it is not known when M would return to 0.2. However, a change in M (from 0.4 to 0.2) is required to rebuild the GOM cod stock, and if this reduction does not occur, then GOM cod may be unable to rebuild based on the revised rebuilding strategy. For this reason, the 10-year rebuilding program adopted in this action is expected to better incorporate the differences in the two assessment models compared to a shorter rebuilding time period.

The rebuilding strategies implemented in this action will use the full 10 years, as allowed by the Magnuson-Stevens Act, even though rebuilding *might* be able to occur sooner. These strategies are intended to address the uncertainties noted above, as well as to account for the needs of fishing communities. As noted above, the approach used for developing the rebuilding strategies is intended to accelerate the rebuilding timeline because catches will be set more conservatively than $F_{rebuild,}$ at least initially. This approach increases the likelihood of success for rebuilding GOM cod and plaice, and in the long-term, provides greater net benefits that would occur from rebuilt stocks. The 10-year rebuilding programs for GOM cod and plaice will also provide more flexibility and better address the needs of fishing communities compared to rebuilding programs that target an earlier end date. This is particularly important for GOM cod, which is a key groundfish stock, because constrained catch limits for GOM cod also impede the harvest of other groundfish stocks in the GOM. In addition, plaice is a ''unit stock,'' meaning that there are not multiple stocks within the management unit. As a result, severely constrained catch limits for plaice could result in lost groundfish fishing opportunities across the entire groundfish management area (GB, GOM, and Southern New England). Analysis completed for various rebuilding scenarios indicates that the 10-year rebuilding programs adopted in this action will maximize the net present values (i.e., potential landings streams and future revenues) compared to other rebuilding scenarios that would have targeted earlier end dates (see Section 7.4 of the Framework 51 Environmental Assessment). Thus, the rebuilding strategies take into account, and address, the needs of fishing communities, while rebuilding the stocks as quickly as possible, and will ultimately increase the likelihood of achieving optimum yield in the fishery. These rebuilding strategies are also approved in conjunction with a new process, described below, that will monitor progress throughout the rebuilding time period, and allow for necessary adjustments to be made if either GOM cod or plaice falls below its rebuilding trajectory.

Rebuilding Plan Review Analysis

In conjunction with implementing the revised rebuilding programs, this rule also establishes a rebuilding plan review analysis for both GOM cod and plaice. We only partially approved this measure because part of the rebuilding plan review was intended to consider extending the rebuilding programs for both stocks to the maximum 10 years allowed under the Magnuson-Stevens Act. We disapproved these portions of the rebuilding plan review analysis, as we described in more detail in the Disapproved Measures section of this preamble. We have approved all other portions of the rebuilding plan review analysis.

The Council will initiate the rebuilding plan review for the respective stock if all three of the following conditions are met:

- The total catch limit has not been exceeded during the rebuilding program;
- New scientific information indicates that the stock is below its rebuilding trajectory (i.e., rebuilding has not progressed as expected); and
- $F_{rebuild}$ becomes less than 75% F_{MSY}.

If all three of the criteria described above are met, then the Council would task its appropriate body (e.g., Groundfish Plan Development Team or Scientific and Statistical Committee (SSC) to complete a rebuilding plan review that would provide the Council with new catch advice for GOM cod and/or plaice. In priority order, the rebuilding plan review would:

1. Review the biomass reference points; and

2. Provide catch limits based on $F_{rebuild}$ for these scenarios:

a. Under a review of the biomass reference points (Item 1 above); and

b. Under the existing rebuilding program.

This rebuilding plan review analysis is intended to investigate why rebuilding has not occurred as expected. These types of analyses are typically already done as part of the current biennial review process for the groundfish program, or during a stock assessment, regardless of whether the above criteria are met for initiating the review. As a result, we initially noted concerns with the potential administrative burden of this measure, and whether there were any measurable benefits of the rebuilding plan review analysis. Based on public comments received, however, although many of the aspects of this rebuilding review are explored during stock assessments and the biennial review process, we determined that this measure will be useful because it commits the Council to a thorough evaluation of rebuilding progress, should a stock drop below its rebuilding trajectory. This measure guarantees that a rebuilding plan review would be completed compared to the current process that complete these tasks on a more ''ad-hoc'' basis. In addition, the rebuilding plan review analysis is expected to provide the Council with the necessary information to adjust management measures and ensure that the stocks still rebuild by the rebuilding end date. The rebuilding review analysis adopted in this action only applies to GOM cod and plaice; however, it is expected that, if this type of review is successful, it could be adopted for other rebuilding stocks in the future.

Although we partially approved the rebuilding plan review, we highlight a number of issues here to clarify the utility of this information and how the results of any rebuilding plan review analysis could be used to inform decision-making in the future. First, the only basis for initiating the rebuilding plan review analysis would be if a stock assessment provided information to show that a stock was not on its rebuilding trajectory. As noted above, if a stock falls below its rebuilding trajectory, at least an initial investigation of why rebuilding has not occurred as expected would likely occur during the stock assessment (e.g., a comparison of recruitment assumptions and realized recruitment). Further, we expect that, as part of the existing biennial review process, the Groundfish Plan Development Team should already be reviewing and evaluating fishing year

catches compared to the respective annual catch limits each year in order to recommend and develop appropriate management measures to achieve the goals and objectives of the Groundfish FMP. We also reiterate that there is no guarantee the review of the biomass reference points (Item 1) will result in any revisions to the biomass reference points. The only analyses that would be sufficient to revise biomass reference points, and thus provide new catch advice options based on those revised biological reference points (Item 2a), would be another stock assessment.

As noted in a comment received on the proposed measure, this rebuilding plan review analysis could be adopted for other rebuilding stocks in the future, should this process prove successful for GOM cod and plaice. Although we disapproved portions of the rebuilding plan review analysis because the rebuilding programs adopted in this action already use the maximum 10 years allowed, the Council could consider these disapproved provisions in the future for other stocks in those cases where the Council initially adopts a shorter rebuilding time period.

2. U.S./Canada Quotas

This action adopts FY 2014 quotas for the three transboundary GB stocks that are jointly managed with Canada (eastern GB cod, eastern GB haddock, and GB yellowtail flounder) based on the recommendations of the Transboundary Management Guidance Committee (TMGC), which is a government-industry committee made up of representatives from the United States and Canada.

Each year, the TMGC recommends a shared quota for each stock based on the most recent stock information and the TMGC harvest strategy. The TMGC's harvest strategy for setting catch levels is to maintain a low to neutral risk (less than 50 percent) of exceeding the fishing mortality limit for each stock. The TMGC's harvest strategy also specifies that when stock conditions are poor, fishing mortality should be further reduced to promote stock rebuilding. The shared quotas are allocated between the United States and Canada based on a formula that considers historical catch (10-percent weighting) and the current resource distribution (90-percent weighting).

Assessments for the three transboundary stocks were completed in June 2013 by the Transboundary Resources Assessment Committee (TRAC). A detailed summary of the 2013 TRAC assessment can be found at: *http://www.nefsc.noaa.gov/saw/trac/.* The TMGC met in September 2013 to recommend shared quotas for 2014 based on the updated assessments and the TMGC's harvest strategy, and the Council adopted the TMGC's recommendations in Framework 51. The 2014 shared U.S./Canada quotas, and each country's allocation, are listed in Table 1. For a detailed discussion of the TMGC's 2014 catch advice, see the TMGC's guidance document at: *http://www2.mar.dfo-mpo.gc.ca/science/tmgc/tgd.html.*

Although the 2014 shared quota for GB yellowtail flounder is a 20-percent decrease from 2013, the U.S. quota for GB yellowtail flounder is increasing by 53 percent in 2014 compared to 2013. This increase is due to the large increase of the U.S. share of the quota in 2014 (from 43 percent to 82 percent) due to higher distribution of this stock in U.S. waters compared to past years. The 2014 shared U.S./Canada quotas for eastern GB cod and haddock are higher compared to 2013. The resulting U.S. quotas for these stocks are increasing by 60 percent and 166 percent, respectively, compared to 2013. The 2014 catch limit for GB yellowtail flounder is also discussed in more detail in Item 3 of this preamble.

The U.S./Canada Resource Sharing Understanding requires that any overages of the eastern GB cod, eastern GB haddock, or GB yellowtail flounder U.S. quotas be deducted from the U.S. quota in the following fishing year. If any fishery that is allocated a portion of the U.S. quota exceeds its allocation, and causes an overage of the overall U.S. quota, the overage reduction would be applied to that fishery's allocation in the following fishing year. This ensures that catch by one component of the fishery does not negatively affect another component of the fishery. Based on preliminary FY 2013 catch information, it does not appear that the United States will exceed its quota for any of the transboundary Georges Bank stocks. However, if final FY 2013 catch information indicates an overage has occurred, we will reduce the FY 2014 U.S. quota for that stock in a future management action. We will finalize FY 2013 catch information in August/September 2014, and we will make any necessary adjustments as close to this date as possible.

TABLE 1—FISHING YEAR 2014 U.S./CANADA QUOTAS (MT, LIVE WEIGHT) AND PERCENT OF QUOTA ALLOCATED TO EACH COUNTRY, IN PARENTHESES

Quota	Eastern GB cod	Eastern GB haddock	GB Yellowtail flounder
Total Shared Quota	700	27,000	400
U.S. Quota	154 (22%)	10,530 (39%)	328 (82%)
Canada Quota	546 (78%)	16,470 (61%)	72 (18%)

3. Catch Limits

The catch limits implemented in this action can be found in Tables 2 through 6. A brief summary of how these catch limits were developed is provided below; however, more detail can be found in Appendix III to the Framework 51 Environmental Assessment (see **ADDRESSES** for information on how to get this document).

Last year, Framework 50 adopted FY 2013–2015 catch limits for all groundfish stocks, except white hake and the three U.S./Canada stocks that are set annually. A benchmark stock assessment for white hake was completed in February 2013, and the results of this assessment became available after the Council took final action on Framework 50. As a result, the Council was not able to incorporate the new benchmark results in time for setting FY 2013–2015 catch limits. Instead, we implemented an emergency action for FY 2013 to increase the white hake catch limit based on the February 2013 assessment, and to give the Council time to respond to the new assessment. We are now implementing FY 2014–2016 catch limits for white hake based on the recent stock assessment, and consistent with the recommendation of the SSC. This rule also adopts FY 2014 shared U.S./Canada quotas (see Item 2 in this preamble), which are discussed in more detail below. For all stocks, except GB cod, GB haddock, GB yellowtail flounder, and white hake, the catch limits included in this action are identical to those previously adopted in Framework 50.

There is no catch limit adopted for FY 2015 or FY 2016 for many groundfish stocks. The Council will specify these catch limits in a future management action once updated scientific information becomes available.

Overfishing Limits and Acceptable Biological Catches

The overfishing limit (OFL) serves as the maximum amount of fish that can be caught in a year without harming the stock. The OFL for each stock is calculated using the estimated stock size and F_{MSY} (i.e., the fishing mortality rate that, if applied over the long term, would result in maximum sustainable yield). The OFL does not account for scientific uncertainty, so the Council's SSC typically recommends an acceptable biological catch (ABC) that is lower than the OFL in order to account for scientific uncertainty. Typically, the greater the amount of scientific uncertainty, the lower the ABC is set compared to the OFL. For GB cod, haddock, and yellowtail flounder, the total ABC is further reduced by the amount of the Canadian quota. The U.S. ABC is the amount available to the U.S. fishery after accounting for Canadian catch.

GB Yellowtail Flounder

Both the 2013 TRAC assessment and the SSC noted concerns for the poor performance of the stock assessment model for GB yellowtail flounder. The assessment model has a strong retrospective pattern, which causes stock size to be overestimated and fishing mortality to be underestimated. Despite concerns for the uncertainties in the assessment, and the performance of the assessment model, however, both the TRAC and the SSC concluded that stock conditions are poor. Recruitment for the stock remains low, and although the quota has been reduced in recent years due to continually declining stock conditions, all of the available information indicates that the stock has not responded to these reductions. In addition, although the assessment is highly uncertain, it was not rejected by either the TRAC or SSC.

The 2013 TRAC assessment concluded that 2014 catches well below 500 mt are likely needed to achieve the TMGC's harvest strategy for GB yellowtail flounder, and that catch should be reduced as much as possible from the 2013 quota of 500 mt. Consistent with the TRAC assessment, the SSC recommended that catches not exceed 500 mt in FY 2014, and strongly recommended that catch be reduced as much as practicable in light of concerns about the status of the stock. The SSC also concluded that the OFL for GB yellowtail flounder cannot be reliably estimated due to poor performance of the assessment model, and as a result determined that the OFL is unknown.

When reviewing and approving any quota, we must determine that the proposed quota has a sufficient probability of preventing overfishing. To do this, we build off of the SSC's recommendation of an OFL and ABC. When absolute values for the OFL are not readily available, any quota recommendation must still meet the necessary requirements, and have at least a 50-percent probability of preventing overfishing. Both the TRAC results and the SSC's recommendation provide the necessary directionality of the 2014 quota compared to 2013, as well as information that can be used to determine the appropriate 2014 catch limit that would have a sufficient probability of preventing overfishing.

The results of the assessment model that are not adjusted for the retrospective pattern indicate that 2014 catches at the fishing mortality limit would be 562 mt. However, given the poor performance of the assessment model, and because these results are not adjusted for the retrospective pattern in the assessment, it is reasonable to conclude that these results may be biased high. Because the unadjusted model results from the assessment are likely biased high, the 2014 quota should have a greater uncertainty buffer than the Council's standard default control rule (75% F_{MSY}). A 2014 catch limit of 400 mt is the maximum catch that would provide an additional uncertainty buffer from the unadjusted model results to further account for the uncertainties in the assessment. On the other hand, when the model results are adjusted for the retrospective pattern, 2014 catches at the fishing mortality limit would be 123 mt. In discussing the poor performance of the assessment model, though, the SSC questioned the magnitude of stock depletion, and noted that catch and survey trends may suggest less concern is warranted than indicated by the assessment model. As a result, the model results adjusted for the retrospective pattern may be biased low.

Recent catches can also be used to evaluate what 2014 catch level would be consistent with the TRAC and SSC's recommendations to reduce catches as much as possible/practicable. Catches in 2012, which is the most recent fishing year in which final catch information is available, were approximately 480 mt, of which the United States caught 385 mt. The U.S. share of the quota increases in 2014 from 43 percent in 2013 to 82 percent in 2014, and as a result, the 2014 TMGC recommendation of 400 mt would result in a U.S. quota of 328 mt, which is nearly equal to the FY 2012 total U.S. catch. Similarly, although final 2013 catch estimates will not be available until September 2014, if total 2013 catches are between 300–400 mt, a quota above 400 mt in 2014 would likely allow catches to increase compared to recent years, which would not be consistent with the TRAC and SSC's recommendation that catches be reduced.

In addition, the FY 2013 catch limit for GB yellowtail flounder is 500 mt. Because the stock has declined further this past year, a status quo catch limit in FY 2014 would not appropriately account for this stock decline. The quota was reduced by more than 40 percent from 2011 to 2012, and again from 2012 to 2013, yet the 2013 TRAC assessment indicates that the stock has not responded to these reductions. This suggests that the 2014 quota should be further reduced from 2013 to increase the likelihood that stock conditions will improve.

Based on all of these factors, we determined that 400 mt was the total ABC for GB yellowtail flounder that would have a sufficient probability of preventing overfishing, reduce catch consistent with the TRAC and SSC advice, and provide for some stock growth. This determination was provided to the TMGC in September 2013, and served as the basis for the TMGC recommending 400 mt as the 2014 shared quota. Despite alternative catch limits put forward by the Council's Groundfish Oversight Committee, the Council ultimately adopted the TMGC's recommendation in Framework 51, and a FY 2014 catch limit of 400 mt for GB yellowtail flounder is implemented through this action. Based on the best scientific information available, a quota of 400 mt has at least a median probability of preventing overfishing and increases the likelihood that stock conditions will improve. This quota is also a 20-percent reduction compared to the 2013 quota, which is consistent with the TRAC and SSC's recommendation to reduce catches as much as possible/practicable.

In response to concerns for the poor performance of the GB yellowtail flounder stock assessment model, the TRAC conducted an empirical benchmark assessment April 14–18, 2014, to examine an alternative method for estimating abundance and setting catch limits for the stock. The TRAC and TMGC will incorporate the results of the benchmark assessment for providing 2015 catch advice for GB

yellowtail flounder, as appropriate. More information on the 2014 benchmark assessment can be found here: *http://www.nefsc.noaa.gov/saw/trac/.*

Annual Catch Limits

The U.S. ABC for each stock (for each fishing year) is divided among the various fishery components to account for all sources of fishing mortality. First, expected catch from state waters and the ''other'' sub-component is deducted from the U.S. ABC. These sub-components are not subject to specific catch controls by the Groundfish FMP. As a result, the state waters and ''other'' sub-components are not allocations, and these components of the fishery are not subject to accountability measures if the catch limits are exceeded. After the state and other sub-components are deducted, the remaining portion of the U.S. ABC is the amount available to the fishery components that receive an allocation for the stock. Components of the fishery that receive an allocation are subject to catch controls by the Groundfish FMP, including accountability measures that are triggered if they exceed their respective catch limit during the fishing year.

Once the U.S. ABC is divided, sub-annual catch limits (sub-ACLs) are set by reducing the amount of the ABC distributed to each component of the fishery to account for management uncertainty. Management uncertainty is the likelihood that management measures will result in a level of catch greater than expected. For each stock, management uncertainty is estimated using the following criteria: Enforceability and precision of management measures, adequacy of catch monitoring, latent effort, and catch of groundfish in non-groundfish fisheries. The total ACL is the sum of all of the sub-ACLs and ACL sub-components, and is the catch limit for a particular year after accounting for both scientific and management uncertainty. Landings and discards from all fisheries (commercial and recreational groundfish fisheries, state waters, and non-groundfish fisheries) are counted against the ACL.

For stocks allocated to sectors, the commercial groundfish sub-ACL is further divided into the non-sector (common pool) sub-ACL and the sector sub-ACL based on the total vessel enrollment in sectors and the cumulative potential sector contributions associated with those sectors. The sector and common pool sub-ACLs included in this action are preliminary based on FY 2014 PSCs and FY 2013 sector rosters. FY 2014 sector rosters will not be finalized until May 1, 2014, because individual permit holders have until the end of FY 2013, or April 30, 2014, to drop out of a sector and fish in the common pool fishery for FY 2014. Therefore, it is possible that the sector and common pool catch limits may change due to changes in the sector rosters. If changes to the sector rosters occur, we will publish updated sector and common pool sub-ACLs as soon as possible in FY 2014 to reflect final FY 2014 sector rosters as of May 1, 2014.

Common Pool Total Allowable Catches

The common pool sub-ACL for each stock (except for Southern New England/Mid-Atlantic (SNE/MA) winter flounder, windowpane flounder, ocean pout, Atlantic wolffish, and Atlantic halibut) is further divided into trimester total allowable catches (TACs). The distribution of the common pool sub-ACLs into trimesters was adopted by Amendment 16 and is based on recent landing patterns. Once we project that 90 percent of the trimester TAC is caught for a stock, the trimester TAC area for that stock is closed for the remainder of the trimester to all common pool vessels fishing with gear capable of catching that stock. Any uncaught portions of the trimester TAC in Trimester 1 or Trimester 2 are carried forward to the next trimester. Overages of the Trimester 1 or Trimester 2 TAC are deducted from the Trimester 3 TAC. We are required to deduct any overages of the total common pool sub-ACL from the common pool sub-ACL for that stock in the next fishing year after the overage. Uncaught portions of the Trimester 3 TAC may not be carried over into the following fishing year. Table 5 summarizes the FY 2014 common pool trimester TACs implemented in this action based on the preliminary common pool sub-ACL. If the FY 2014 common pool sub-ACL changes based on final sector rosters, the FY 2014 trimester TACs will also change. In addition, once we complete final catch estimates of FY 2013 common pool catch, we will deduct any overages of the common pool sub-ACLs from the respective FY 2014 sub-ACLs. We will publish any necessary adjustments as close to May 1, 2014, as possible.

Incidental catch TACs are also specified for certain stocks of concern (i.e., stocks that are overfished or subject to overfishing) for common pool vessels fishing in the special management programs (i.e., special access programs (SAPs) and the Regular B Days-at-Sea (DAS) Program), in order to limit the catch of these stocks under each program. Tables 6 summarizes the Incidental Catch TACs for each stock that are implemented by this action.

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Table 2 —FY 2014 Total ACLs, sub-ACLs, and ACL sub-components (mt, live weight)

Stock	OFL	U.S. ABC	Total ACL	Groundfish Fishery	Preliminary Sector	Preliminary Common Pool	Recreational Groundfish	Midwater Trawl Fishery	Scallop Fishery	Small-Mesh Fisheries	State Waters sub-component	Other sub-component
GB Cod	3,570	2,506	1,867	1,769	1,738	31					20	78
GOM Cod	1,917	1,550	1,470	1,316	812	18	486				103	51
GB Haddock	46,268	35,699	18,312	17,171	17,116	56		179			192	769
GOM Haddock	440	341	323	307	218	2	87	3			5	7
GB Yellowtail Flounder	unknown	400	318.1	254.5	251.5	3.1			50.9	6.1		6.6
SNE/MA Yellowtail Flounder	1,042	700	665	564	469	95			66		7	28
CC/GOM Yellowtail Flounder	936	548	523	479	466	13					33	11
American Plaice	1,981	1,515	1,442	1,382	1,357	24					30	30
Witch Flounder	1,512	783	751	610	599	11					23	117
GB Winter Flounder	4,626	3,598	3,493	3,385	3,364	21						108
GOM Winter Flounder	1,458	1,078	1,040	715	688	26					272	54
SNE/MA Winter Flounder	3,372	1,676	1,612	1,210	1,074	136					235	168
Redfish	16,130	11,465	10,909	10,565	10,523	42					115	229
White Hake	6,082	4,642	4,417	4,278	4,247	30					46	93
Pollock	20,554	16,000	15,304	13,224	13,131	93					960	1,120
Northern Windowpane Flounder	202	151	144	98		98					2	44
Southern Windowpane Flounder	730	548	527	102		102			183		55	186
Ocean Pout	313	235	220	197		197					2	21
Atlantic Halibut	180	109	106	57		57					44	5
Atlantic Wolffish	94	70	65	62		62					1	3

Note: An empty cell indicates the fishery component is not allocated a sub-ACL for that stock.

Table 3 —FY 2015 Total ACLs, sub-ACLs, and ACL sub-components (mt, live weight)

Stock	OFL	U.S. ABC	Total ACL	Groundfish Fishery	Preliminary Sector	Preliminary Common Pool	Recreational Groundfish	Midwater Trawl Fishery	Scallop Fishery	Small-Mesh Fisheries	State Waters sub-component	Other sub-component
GB Cod	4,191	2,506	2,387	2,262	1,738	31					25	100
GOM Cod	2,639	1,550	1,470	1,316	812	18	486				103	51
GB Haddock	56,293	43,606	41,526	38,940	38,814	126		406			436	1,744
GOM Haddock	561	435	412	392	278	2	111	4			6	9
SNE/MA Yellowtail Flounder	1,056	700	665	566	471	95			64		7	28
CC/GOM Yellowtail Flounder	1,194	548	523	479	466	13					33	11
American Plaice	2,021	1,544	1,470	1,408	1,383	25					31	31
Witch Flounder	1,846	783	751	610	599	11					23	117
SNE/MA Winter Flounder	4,439	1,676	1,612	1,210	1,074	136					235	168
Redfish	16,845	11,974	11,393	11,034	10,990	44					120	239
White Hake	6,237	4,713	4,417	4,278	4,247	30					46	93
Northern Windowpane Flounder	202	151	144	98		98					2	44
Southern Windowpane Flounder	730	548	527	102		102			183		55	186
Ocean Pout	313	235	220	197		197					2	21
Atlantic Halibut	198	119	116	62		62					48	6
Atlantic Wolffish	94	70	65	62		62					1	3

Note: An empty cell indicates the fishery component is not allocated a sub-ACL for that stock. FY 2015 catch limits are not yet specified for GB yellowtail flounder, GB winter flounder, GOM winter flounder, or Pollock. The Council will specify these catch limits in a future management action once updated information becomes available.

Table 4 — FY 2016 Total ACLs, sub-ACLs, and ACL sub-components (mt, live weight)

Stock	OFL	U.S. ABC	Total ACL	Groundfish Fishery	Preliminary Sector	Preliminary Common Pool	Recreational Groundfish	Midwater Trawl Fishery	Scallop Fishery	Small-Mesh Fisheries	State Waters sub-component	Other sub-component
White Hake	6,314	4,645	4,420	4,280	4,250	30					46	93

Note: An empty cell indicates the fishery component is not allocated a sub-ACL for that stock. FY 2016 catch limits are only set for white hake in this action. The Council will specify FY 2016 catch limits for all other groundfish stocks in a future action once updated information becomes available.

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TABLE 5—FYS 2014–2016 COMMON POOL TRIMESTER TACS

[mt, live weight]

Stock	2014			2015			2016		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Cod	7.6	11.3	11.6	9.8	14.4	14.8	.....	.....	.....
GOM Cod	4.9	6.6	6.8	4.9	6.6	6.8	.....	.....	.....
GB Haddock	15.0	18.3	22.2	34.0	41.6	50.4	.....	.....	.....

TABLE 5—FYS 2014–2016 COMMON POOL TRIMESTER TACS—Continued

[mt, live weight]

Stock	2014			2015			2016		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GOM Haddock	0.51	0.49	0.88	0.6	0.6	1.1	.....	.....	.....
GB Yellowtail Flounder	0.6	0.9	1.6	.....	.....	.....	.....	.....	.....
SNE/MA Yellowtail Flounder	19.9	35.0	39.7	19.9	35.1	39.9	.....	.....	.....
CC/GOM Yellowtail Flounder	4.7	4.7	4.0	4.7	4.7	4.0	.....	.....	.....
American Plaice	5.8	8.7	9.7	5.9	8.9	9.9	.....	.....	.....
Witch Flounder	2.9	3.3	4.5	2.9	3.3	4.5	.....	.....	.....
GB Winter Flounder	1.7	5.1	14.7	.....	.....	.....	.....	.....	.....
GOM Winter Flounder	9.8	10.0	6.6	.....	.....	.....	.....	.....	.....
Redfish	10.5	13.0	18.4	10.9	13.6	19.2	.....	.....	.....
White Hake	11.6	9.4	9.4	11.7	9.6	9.6	11.6	9.4	9.4
Pollock	26.0	32.5	34.3	.....	.....	.....	.....	.....	.....

Note: An empty cell indicates no catch limit has been specified yet. These catch limits will be specified in a future management action.

TABLE 6—FY 2014–2015 INCIDENTAL CATCH TACS FOR EACH SPECIAL MANAGEMENT PROGRAM

[mt, live weight]

Stock	Regular B DAS Program		Closed area I hook gear haddock SAP		Eastern U.S./Canada haddock SAP	
	2014	2015	2014	2015	2014	2015
GB Cod	0.3	0.3	0.1	0.1	0.2	0.2
GOM Cod	0.2	0.2	na	na	na	na
GB Yellowtail Flounder	0.03	.....	na	na	0.03	.....
CC/GOM Yellowtail Flounder	0.1	0.1	na	na	na	na
American Plaice	1.2	1.2	na	na	na	na
Witch Flounder	0.5	0.5	na	na	na	na
SNE/MA Winter Flounder	1.4	1.4	na	na	na	na

Note: An empty cell indicates no catch limit has been specified yet. These catch limits will be specified in a future management action.

4. Small-Mesh Fisheries Accountability Measure for Georges Bank Yellowtail Flounder

This rule establishes an accountability measures (AM) for GB yellowtail flounder for the small-mesh fisheries, and applies the AM retroactively to FY 2013 catches. For FY 2013 and beyond, Framework 48 adopted an allocation of GB yellowtail flounder for the small-mesh fisheries due to concerns for the low stock size of GB yellowtail flounder, and that these fisheries have accounted for a larger portion of the total catch in recent years. For this allocation, the small-mesh fisheries were defined as vessels fishing with otter trawl gear with a codend mesh size of 5 inches (12.7 cm) or less. The target species for these small-mesh fisheries typically include squid and whiting. Corresponding AMs were not adopted last year because development of AMs required close coordination with the Mid-Atlantic Fishery Management Council, which is responsible for the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. As a result, Framework 48 specified that AMs would be developed by the respective Fishery Management Plans in a future management action through coordination of the New England and Mid-Atlantic Councils.

The U.S./Canada Resource Sharing Understanding requires that, if the U.S. quota for GB yellowtail flounder is exceeded, then the U.S. quota for the following fishing year must be reduced by the amount of the overage. The pound-for-pound reduction is applied to the sub-ACL of the fishery component that caused the overage. For example, if the small-mesh fisheries caused an overage of the U.S. quota in Year 1, the small-mesh fisheries sub-ACL would be reduced by the amount of the overage in the next fishing year (Year 2). This pound-for-pound reduction serves as a reactive AM. However, the small-mesh fisheries are currently required to discard all GB yellowtail flounder caught. Thus, a pound-for-pound reduction of the quota, without corresponding measures to help reduce catches of GB yellowtail flounder, would not appropriately mitigate an overage, or prevent future overages from occurring, for the small-mesh fisheries.

This rule implements an additional reactive AM that would require vessels fishing with bottom otter trawl gear with a codend mesh size of less than 5 in (12.7 cm) to fish with selective trawl gear in the GB yellowtail flounder stock area (statistical areas 522, 525, 561, and 562) if the small-mesh fisheries sub-ACL is exceeded by any amount. Currently, approved gear types include the raised footrope trawl, separator trawl, rope trawl, Ruhle trawl, and mini-Ruhle trawl. Additional gear types can be authorized by the Council in a future management action, or approved by the Regional Administrator through the gear-approval process defined at § 648.85(b)(6). The AM would be triggered regardless of whether the total ACL is exceeded. With the exception of the GB yellowtail flounder AM for the scallop fishery, this approach to triggering an AM is consistent with how other fishery components are treated for allocated groundfish stocks (i.e., commercial and recreational groundfish fisheries and mid-water trawl fishery). AMs linked to the sub-ACLs of the fishery ensure that each component is held responsible for its catch of the respective stock.

The AM would only be implemented at the start of a fishing year (May 1). This measure does not implement the AM inseason due to the potential for disproportionate impacts on small-mesh vessels, which operate at different times on Georges Bank, depending on the target species. In addition, final catch information needed to evaluate GB

yellowtail flounder catch by the small-mesh fisheries is often not available until well after the end of the fishing year. As a result, it is possible that we would not be able to reliably determine whether an overage has occurred in time to trigger the AM at the start of fishing year immediately following an overage. The AM adopted in this action accounts for this late data availability by potentially delaying the implementation of the AM until the start of Year 3 (2 years following the overage). As monitoring improves, and discard estimates are more readily available for the small-mesh component of the fishery, we anticipate that these AMs could be, and should be, implemented more quickly.

If an overage of the small-mesh fisheries sub-ACL in Year 1 occurs, the AM would be triggered:

- *At the start of Year 2* if, based on reliable data, NMFS determine inseason during Year 1 that the small-mesh fisheries sub-ACL has been exceeded; or
- *At the start of Year 3,* if final catch estimates available after the end of Year 1 indicate that the small-mesh fisheries sub-ACL was exceeded in Year 1.

As noted before, the AM adopted in this action is applied retroactively to FY 2013 catches. Final catch estimates for the small-mesh fisheries will not be available until after the end of FY 2013 (August/September 2014). Because the AM is only implemented at the start of a fishing year, if final FY 2013 catch estimates indicate an overage has occurred, the AM would be triggered at the start of FY 2015. If necessary, we would notify the public and announce the AM in a future rulemaking.

This AM will ensure that there are sufficient measures in place to reduce catches of GB yellowtail flounder, should an overage occur, and the small-mesh fisheries catch does not negatively affect other components of the fishery. Due to the current low stock size of GB yellowtail flounder, and because the stock is jointly managed with Canada, it is especially important that the United States implement sufficient management measures to help prevent overages of the U.S. quota for GB yellowtail flounder, and if overages occur, to sufficiently mitigate that overage.

5. U.S./Canada Quota Trading Mechanism

In 2013, the TMGC developed a U.S./Canada quota trading mechanism that would provide more flexibility in setting annual U.S./Canada quotas in order to create additional fishing opportunities. This action adopts a 1-year mechanism for FY 2014 only that will allow the Regional Administrator, in consultation with the Council, to adjust the U.S./Canada quotas inseason consistent with any trade agreed upon with Canada. Any additional quota that the United States receives from a trade would be allocated to all of the fishery components consistent with the current ABC distribution used by the Council in this action for setting groundfish catch limits. Under this approach, both groundfish and non-groundfish fisheries would potentially benefit from additional quota, regardless of what fishery gave up quota for the trade. For example, if the United States trades away eastern GB cod in return for GB yellowtail flounder, the scallop and small-mesh fisheries would benefit from the additional GB yellowtail flounder quota, even though the commercial groundfish fishery was the only component to give away its cod quota.

The Canadian fishing year is based on the calendar year, while the U.S. groundfish fishing year is May 1–April 30. The difference between the U.S. and Canadian fishing years allows a trade to occur for adjacent years. Under the FY 2014 trading mechanism, a trade could occur towards the end of the Canadian fishing year, when the U.S. fishing year is only half completed. For example, if Canada underharvests its quota, it could trade away its surplus quota to the United States in the current fishing year, in return for additional quota from the United States for the upcoming fishing year. Under this mechanism, the United States would only receive additional quota in the current fishing year, and would only trade away its quota for the upcoming fishing year, prior to the start of the fishing year, and before allocations are made to components of the U.S. fishery.

The trading mechanism adopted in this action will exist only for quota trades made by, or before the end of, FY 2014. The Council adopted a 1-year only trading mechanism so it could continue to explore whether trades between the United States and Canada are practical under this type of approach and while it considered other types of trading mechanisms as part of Amendment 18 to the Groundfish FMP that would better ensure the entities trading away quota would directly receive quota in return.

6. Distribution of Eastern/Western Georges Bank Haddock Sector Allocations

This rule adopts a mechanism that allows sectors to ''convert'' their eastern GB haddock allocation into western GB haddock allocation. Although the groundfish fishery has not utilized a large portion of its GB haddock allocation in recent years, this measure is intended to prevent the Western U.S./Canada Area from prematurely closing to a sector before its overall GB haddock allocation has been caught. This measure provides additional flexibility for sectors to harvest their GB haddock allocations, without increasing the risk of biological harm to the stock. This measure is also intended to create additional fishing opportunities for sector vessels on a healthy groundfish stock, and better help the fishery achieve optimum yield.

Eastern GB haddock is a sub-unit of the total GB haddock stock, and the total ABC for GB haddock includes the shared U.S./Canada quota for eastern GB haddock. A portion of a sector's GB haddock allocation may only be caught in the Eastern U.S./Canada Area, and the remaining portion of their total GB haddock allocation can be caught only in the Western U.S./Canada Area. This restriction was adopted by Amendment 16 in order to cap the amount of GB haddock that a sector could catch in the Eastern U.S./Canada Area, and help prevent the United States from exceeding its eastern GB haddock quota. However, limiting the amount of haddock that could be caught in the Western U.S./Canada Area could unnecessarily reduce flexibility, and potentially limit fishing in the area, even if a sector has not caught its entire GB haddock allocation. Thus, the measure adopted in this action is intended to avoid foregone yield of a healthy, abundant groundfish stocks.

The measure adopted in this action follows a process similar to the one used for processing sector trades. Sectors are allowed to convert eastern GB haddock allocation into western GB haddock allocation at any time during the fishing year, and up to 2 weeks into the following fishing year to cover any overage during the previous fishing year. A sector's proposed allocation conversion would be referred to, and approved by, NMFS based on general issues, such as whether the sector is complying with reporting or other administrative requirements, including weekly sector reports, or member vessel compliance with Vessel Trip Reporting requirements. Based on these factors, we will notify the sector if the conversion is approved or disapproved. As we proposed in the proposed rule, we will use member vessel compliance with Vessel Trip Reporting requirements as the basis for approving, or disapproving a re-allocation of eastern GB quota to the Western U.S./Canada Area. This is identical to the process used for

reviewing, and approving, quota transfer requests between sectors.

The responsibility for ensuring that sufficient allocation is available to cover the conversion is the responsibility of the sector. This measure also extends to state-operated permit banks. Any conversion of eastern GB haddock allocation into western GB haddock allocation may only be made within a sector or permit bank, and not between sectors or permit banks. In addition, once a portion of eastern GB haddock allocation is converted to western GB haddock allocation, that portion of allocation remains western GB haddock for the remainder of the fishing year. Western GB haddock allocation may not be converted to eastern GB haddock allocation. This measure does not change the requirement that sector vessels may only catch their eastern GB haddock allocation in the Eastern U.S./Canada Area, and may only catch the remainder of their GB haddock allocation in the Western U.S./Canada Area.

The total catch limit for GB haddock includes the U.S. quota for eastern GB haddock, so this measure does not jeopardize the total ACL for GB haddock, or the U.S. quota for the eastern portion of the stock. A sector is still required to stop fishing in the Eastern U.S./Canada Area once its entire eastern GB haddock allocation is caught, or in the Western U.S./Canada Area once its western GB haddock allocation is caught, at least until it leases in additional quota. This ensures sufficient accountability for sector catch that will help prevent overages of any GB haddock catch limit. Although we are approving this measure, we recommend that the Council occasionally review this measure in the future to ensure that it is still necessary and appropriate, particularly if there is a drastic change in the stock assessment for either GB haddock or its eastern sub-unit, or the perception of stock status changes in the future.

7. Prohibition on Possession of Yellowtail Flounder by the Limited Access Scallop Fishery

This action approves the prohibition on possession of yellowtail flounder by all limited access scallop vessels that was adopted in Framework 51. Prior to this action, limited-access scallop vessels were required to land all legal-sized yellowtail flounder. This landing requirement was adopted beginning in 2010 in order to reduce bycatch of yellowtail flounder in the scallop fishery. However, recent information indicates that some scallop vessels are ''targeting'' yellowtail flounder. As a result, prohibiting possession of yellowtail flounder is intended to remove any incentive for scallop vessels to ''target'' yellowtail flounder since they could not be retained, or sold.

National Standard 9 of the Magnuson-Stevens Act requires that bycatch be reduced as much as practicable, where bycatch is defined as ''fish harvested in a fishery, but that are not sold or kept,'' and refers to economic and regulatory discards. Thus, the prohibition on possession of yellowtail flounder adopted in this action could increase bycatch, as it is defined in the Magnuson-Stevens Act, compared to the previous requirement to land all legal-sized yellowtail flounder. However, from a broader conservation perspective, a more important consideration is the impact on the total fishing mortality for each yellowtail flounder stock. As described below, this action is expected to decrease total fishing mortality for yellowtail flounder stocks.

The recent 2012 stock assessment for SNE/MA yellowtail flounder reduced the discard mortality rate from 100 percent to 90 percent for commercial catches. As a result, prohibiting possession of this stock by limited access scallop vessels has the potential to slightly reduce mortality on this yellowtail flounder stock assuming that some of the discarded fish survive. The stock assessments for Cape Cod (CC)/GOM and GB yellowtail flounder assume a 100-percent discard mortality rate, so it is unclear whether zero possession has the same potential benefits for these yellowtail flounder stocks as the SNE/MA stock. However, it is reasonable to expect that some fish from these stocks, albeit a small number, may survive after being discarded, thus reducing total mortality on these stocks. Reducing total mortality, even slightly, is particularly important for these yellowtail flounder stocks. Although SNE/MA yellowtail flounder was declared rebuilt in 2012, CC/GOM and GB yellowtail flounder are overfished and overfishing is occurring for both stocks. Thus, even though this measure could increase bycatch, as defined by the Magnuson-Stevens Act, it is not practicable to reduce bycatch because to do so would likely increase overall mortality on yellowtail flounder. The conservation benefits of further reducing mortality of yellowtail flounder by the scallop fishery, therefore, outweigh the potential for this measure to increase bycatch. As a result, we have determined that the prohibition on possession adopted in this action is consistent with National Standard 9, and other conservation requirements, of the Magnuson-Stevens Act.

8. 2014 Windowpane Flounder Accountability Measures

In fall 2013, final catch information became available for FY 2012. These final catch estimates indicated that the northern windowpane flounder ACL was exceeded by 28 percent, and the southern windowpane flounder ACL was exceeded by 36 percent. The FY 2012 final catch report can be found here: *http://www.nero.noaa.gov/ro/fso/reports/Groundfish_Catch_Accounting.htm.* In addition, preliminary catch information for FY 2013 indicates that the commercial groundfish fishery catch of ~235 mt has exceeded the overfishing limit for northern windowpane flounder (202 mt). The most recent FY 2013 catch monitoring report can be found here: *http://www.nero.noaa.gov/ro/fso/reports/Sectors/Commercial_Summary_2013.html.*

These overages will automatically trigger AMs beginning in FY 2014 that require selective trawl gear to be used in certain parts of the stock areas for both windowpane flounder stocks. For the entire 2014 fishing year, common pool and sector vessels fishing on a groundfish trip with trawl gear are required to use one of the following selective trawl gears when fishing in the AM areas: (1) Haddock separator trawl; (2) Ruhle trawl; (3) mini-Ruhle trawl; or (4) rope separator trawl. There are no restrictions on longline or gillnet gear. These gear restrictions will apply in the large AM areas for both northern and southern windowpane flounder because the overages were more than 20 percent of the ACL for both stocks (maps and coordinates of the AM areas can be found here: *http://www.nero.noaa.gov/regs/infodocs/windowpaneaminfosheet.pdf).* As a reminder, sectors cannot request an exemption from these AMs. As long as additional overages do not occur, the AM would be removed at the start of the 2015 fishing year, beginning on May 1, 2015, unless the AMs are otherwise revised through a Council action during FY 2014. In February 2014, the Council initiated a new action to review and possibly revise the windowpane flounder AMs due to concern that the existing AMs do not effectively prevent overages of the windowpane flounder catch limits.

The FY 2014 windowpane flounder AMs will not impact non-groundfish fisheries because these fisheries did not have an allocation of either windowpane flounder stock for FY 2012. Although these non-groundfish

fisheries may have contributed to the 2012 overages, the commercial groundfish fishery will be held 100-percent accountable for the overage. For FY 2013 and beyond, at the Council's recommendation, we approved the allocation of southern windowpane to the scallop fishery and other non-groundfish fisheries fishing with bottom otter trawl gear with codend mesh of 5 inches (12.7 cm) or greater. Allocating this stock to other fisheries will help ensure that each fishery is held accountable for their catch in the future, and that catch from one fishery cannot negatively impact another. For FY 2013 and beyond, any AM triggered for southern windowpane will only apply to the fishery that caused the overage, except in the situation where the state waters sub-component caused the overage. Northern windowpane is still not allocated to any non-groundfish fishery, so the groundfish fishery will continue to be held 100-percent accountable for any overages of the northern windowpane catch limit, regardless of what fishery caused the overage.

9. Annual Measures for FY 2014 Under Regional Administrator Authority

The Groundfish FMP gives us authority to implement certain types of management measures for the common pool fishery, the U.S./Canada Management Area, and Special Management Programs on an annual basis, or as needed. This rule implements FY 2014 DAS possession limits and maximum trip limits for common pool vessels (Table 7), including cod possession and trip limits for vessels fishing with a Handgear A, Handgear B, or Small Vessel Category permits (Table 8). These measures are not part of Framework 51, and were not specifically proposed by the Council, but are included in conjunction with Framework 51 for expediency purposes, and because they relate to the catch limits implemented in this rule. The initial FY 2014 possession limits and maximum trip limits were developed after considering changes to the FY 2014 common pool sub-ACLs and sector rosters, trimester TACs for FY 2014, catch rates of each stock during FY 2013, and public comments received on the proposed limits. During the fishing year, we will monitor common pool catches, and if necessary will adjust these trips limits in a future action to avoid overages, or help the fishery harvest its allocations.

The default cod trip limit is 300 lb (136.1 kg) per trip for Handgear A vessels and 75 lb (34.0 kg) per trip for Handgear B vessels. If the GOM or GB cod DAS possession limit drops below 300 lb (136.1 kg), then the respective Handgear A cod trip limit must also be adjusted to be the same. The regulations also require that the Handgear B vessel trip limit for GOM and GB cod be adjusted proportionally (rounded up to the nearest 25 lb (11.3 kg)) to the default cod possession limits applicable to DAS vessels. This action implements a GOM cod possession limit of 200 lb (90.7 kg) per DAS for vessels fishing on a groundfish DAS, which is 75 percent lower than the default trip limit in the regulations. Accordingly, the GOM cod trip limit is reduced to 200 lb (90.7 kg) per trip for Handgear A vessels and to 25 lb (11.3 kg) per trip for Handgear B vessels.

Vessels with a Small Vessel category permit can possess up to 300 lb (136.1 kg) of cod, haddock, and yellowtail flounder, combined, per trip. For FY 2014, the maximum amount of GOM cod and haddock within the 300-lb (136.1-kg) trip limit is set equal to the DAS possession limits, which results in a maximum of 200 lb (90.7 kg) per trip for GOM cod and 25 lb (11.3 kg) for GOM haddock.

TABLE 7—INITIAL FY 2014 COMMON POOL DAS POSSESSION LIMITS AND TRIP LIMITS

Stock	Initial FY 2014 possession and trip limits
GB cod	2,000 lb (907.2 kg) per DAS, up to 20,000 lb (9,072 kg) per trip.
GOM cod	200 lb (90.7 kg) per DAS, up to 600 lb (272.2 kg) per trip.
GB Haddock	10,000 lb (4,535.9 kg) per trip.
GOM Haddock	25 lb (11.3 kg) per trip.
GB Yellowtail Flounder	100 lb (45.4 kg) per trip.
SNE/MA Yellowtail Flounder	2,000 lb (907.2 kg) per DAS, up to 6,000 lb (2,721.6 kg) per trip.
CC/GOM Yellowtail Flounder	1,000 lb (453.6 kg) per trip.
American plaice	Unlimited.
Witch Flounder	500 lb (226.8 kg) per trip.
GB Winter Flounder	1,000 lb (453.6 kg) per trip.
GOM Winter Flounder	1,000 lb (453.6 kg) per trip.
SNE/MA Winter Flounder	1,500 lb (680.4 kg) per DAS up to 2,000 lb (1,360.8 kg) per trip.
Redfish	Unlimited.
White hake	1,000 lb (453.6 kg) per trip.
Pollock	10,000 lb (4,535.9 kg) per trip.
Atlantic Halibut	1 fish per trip.
Windowpane Flounder Ocean Pout Atlantic Wolffish	Possession Prohibited.

TABLE 8—INITIAL FY 2014 COD POSSESSION AND TRIP LIMITS FOR HANDGEAR A, HANDGEAR B, AND SMALL VESSEL CATEGORY PERMITS

Permit	Initial FY 2014 GOM Cod possession/trip limit	Initial FY 2014 GB Cod possession/trip limit
Handgear A	200 lb (45.4 kg) per trip	300 lb (136.1 kg) per trip.
Handgear B	25 lb (11.3 kg) per trip	75 lb (34.0 kg) per trip.

TABLE 8—INITIAL FY 2014 COD POSSESSION AND TRIP LIMITS FOR HANDGEAR A, HANDGEAR B, AND SMALL VESSEL CATEGORY PERMITS—Continued

Permit	Initial FY 2014 GOM Cod possession/trip limit	Initial FY 2014 GB Cod possession/trip limit
Small Vessel Category	300 lb (136.1 kg) of cod, haddock, and yellowtail flounder combined; Maximum of 200 lb (90.7 kg) of GOM cod and 25 lb (11.3 kg) per trip of GOM haddock within the 300-lb combined possession limit.	

The RA has the authority to determine the allocation of the total number of trips into the Closed Area II Yellowtail Flounder/Haddock SAP based on several criteria, including the GB yellowtail flounder catch limit and the amount of GB yellowtail flounder caught outside of the SAP. In 2005, Framework 40B (70 FR 31323; June 1, 2005) implemented a provision that no trips should be allocated to the Closed Area II Yellowtail Flounder/Haddock SAP if the available GB yellowtail flounder catch is insufficient to support at least 150 trips with a 15,000-lb (6,804-kg) trip limit (or 2,250,000 lb (1,020,600 kg). This calculation accounts for the projected catch from the area outside the SAP. Based on the GB yellowtail groundfish sub-ACL of 561,077 lb (254,500 kg) adopted in this action, there is insufficient GB yellowtail flounder to allocate any trips to the SAP, even if the projected catch from outside the SAP area is zero. Therefore, this action does not allocate any trips to the Closed Area II Yellowtail Flounder/Haddock SAP for FY 2014. Vessels can still fish in this SAP in FY 2014 using a haddock separator trawl, a Ruhle trawl, or hook gear. Vessels are not allowed to fish in this SAP using flounder nets.

10. Regulatory Corrections Under Regional Administrator Authority

The following changes are being made to the regulations to correct references, inadvertent deletions, and other minor errors.

In § 648.80(g)(5)(i), this rule corrects the reference to the mesh obstruction or constriction definition.

In § 648.85(b)(6)(iv)(B), the observer call-in requirement under the B DAS program is corrected to 48 hr prior to the start of the trip, instead of 72 hr prior to the start of the trip. This change was inadvertently omitted during the Amendment 16 rulemaking.

This rule removes § 648.87(b)(1)(i)(F) and (G). This regulatory text was added as part of NMFS's emergency rule for addressing sector carryover for FY 2013. This regulatory text was supposed to expire on April 30, 2014 but was inadvertently left in the regulations permanently.

In § 648.87(c)(2), this rule clarifies that sector exemptions are limited to those regulations implementing the groundfish program, and not any regulation applicable to a groundfish vessel. This regulatory correction clarifies the intent of Amendment 16.

In § 648.90(a)(4)(i), this rule reinstates the regulatory text describing the ABC and ACL recommendation process, which was inadvertently deleted in a previous rulemaking.

In § 648.90(a)(5)(iv), this rule reinstates the regulatory text describing the trigger of the scallop fishery accountability measures, which was inadvertently deleted in a previous rulemaking.

In § 697.7(c)(1)(xxii) and (c)(2)(xvii), this rule replaces the word ''traps'' with ''lobster traps.'' This correction is intended to clarify that the lobster regulations do not prohibit Federal lobster permit holders from possessing, or using, non-lobster trap gear on trips fishing with a method other than traps (e.g., mobile trawl gear).

NMFS defines a lobster trap as ''any structure or other device, other than a net, that is placed, or designed to be placed, on the ocean bottom and is designed for or is capable of, catching lobsters.'' This definition applies to all Federal lobster permit holders regardless of whether the permit holder might actually be targeting a different species with the trap (e.g., crab or fish traps). Federal lobster permit holders are prohibited from possessing, or using, lobster traps on any trip that catches lobster with non-trap gear (e.g., trawl gear). However, trap gear that is configured in such a way so that it is not capable of catching lobster is not considered ''lobster trap'' gear. As a result, Federal lobster permit holders are allowed to possess, and use, non-lobster trap gear on board their vessel even if harvesting lobster with gear other than lobster traps (e.g., trawl gear).

Comments and Responses on Measures Proposed in the Framework 51 Proposed Rule

We received nine comments during the comment period on the Framework 51 proposed rule. Public comments were submitted by the Council, three commercial fishing organizations, one non-governmental organization (NGO), and four commercial fishermen. We requested specific comment on several measures proposed in Framework 51, including the rebuilding plan review analysis for GOM cod and American plaice, the revised discard strata for GB yellowtail flounder, and the prohibition on possession of yellowtail flounder for limited access scallop vessels. Responses to the comments received are below, and when possible, responses to similar comments on the proposed measures have been consolidated.

Gulf of Maine Cod and American Plaice Rebuilding Programs

Revised Rebuilding Strategies

Comment 1: One industry group supported the revised rebuilding programs for GOM cod and plaice.

Response: We agree with this commenter and have determined that the revised rebuilding programs adopted in this action are consistent with the Magnuson-Stevens Act and the goals and objectives of the Groundfish FMP. In May 2012, we notified the Council that GOM cod and plaice were not making adequate rebuilding progress, and as a result, the Council was required to revise the rebuilding program for this stock within 2 years, or by May 1, 2014. The revised rebuilding programs implemented in this action are consistent with the Council's mandate to devise new rebuilding strategies for these stocks while continuing to prevent overfishing. As explained in more detail in Item 1 of this preamble, the revised rebuilding strategies use the maximum 10 years allowed by the Magnuson-Stevens Act and have a median probability of success. The rebuilding strategies account for the needs of fishing communities as much as practicable, and also use a more precautionary approach than the previous rebuilding programs for these stocks, in order to accelerate the rebuilding timeline and increase the likelihood of rebuilding success.

Comment 2: One NGO opposed the proposed 10-year rebuilding programs for GOM cod. The commenter noted that, due to the low levels of GOM cod,

rebuilding should be as short as biologically possible, and catch levels should be set as close to zero as possible. In support of its position, the NGO stated that the needs of the fish stock outweigh the needs of fishing communities in this case.

Response: We disagree with the commenter's suggestion that rebuilding should be as short as biologically possible, and catch levels should be set as close to zero as possible. The Magnuson-Stevens Act does not require that rebuilding programs be as short as biologically possible, but rather that rebuilding programs be as short as possible, not to exceed 10 years, while accounting for the needs of fishing communities. The fact that this action revises a rebuilding program that was not making adequate progress does not change this requirement. Although the Magnuson-Stevens Act requirement emphasizes the importance of rebuilding as quickly as possible, a plan cannot disregard the needs of fishing communities, and is not required to keep fishing mortality as close to zero as possible for the entire duration of the rebuilding time period, particularly, as in the case of this action, where precautionary measures are put into place to account for uncertainties in predicting the success of a rebuilding program. A revised rebuilding program that is as short as biologically possible, as the commenter suggested, would be nearly equivalent to T_{min}, which is the time it would take a stock to rebuild in the absence of all fishing mortality. This type of rebuilding program would not mitigate economic impacts on fishing communities to the extent practicable consistent with National Standard of the Magnuson-Stevens Act. As explained in detail in Item 1 of this preamble, the revised rebuilding strategy for GOM cod that is adopted in this action appropriately addresses the needs of fishing communities in light of conservation requirements, and is consistent with all of the National Standards and applicable law.

Moreover, as the commenter noted, greater scientific uncertainty typically calls for greater precaution in setting management measures, and we agree. This is the intended effect in the design of the revised rebuilding strategy for GOM cod that is adopted in this action. The rebuilding strategy has a median probability of success, which is consistent with the relevant case law, but it goes one step further, and attempts to account for scientific uncertainty in long-term groundfish catch projections, which is well-documented in recent years. The design of the rebuilding strategy is briefly summarized below, but is described in more detail in Item 1 of this preamble that is not repeated here.

Given the relative infrequency of groundfish stock assessments, there is often a considerable lag between the terminal year of the assessment and the year of the catch advice. As a result, when catches are based on only $F_{rebuild}$, they are often based on assumptions used in the catch projection (e.g., recruitment assumption), rather than any real evidence that the stock biomass has increased. The rebuilding strategy implemented in this action explicitly acknowledges this issue and, in response, is designed to set catches lower than $F_{rebuild}$, at least initially in the rebuilding program, in order to account for this uncertainty. Setting catches lower than $F_{rebuild}$ accelerates the rebuilding timeline and is intended to increase the likelihood that rebuilding will occur on schedule. This is an important component of the rebuilding program adopted in this action, and a marked improvement from the previous rebuilding program for GOM cod that did not attempt to account for scientific uncertainty in the catch projections.

An assessment update for GOM cod is preliminarily scheduled for early 2015. This would provide a unique opportunity early in the rebuilding program adopted in this action to determine whether the stock is on its rebuilding trajectory. Based on the updated scientific information, the Council could adequately assess whether any additional adjustments are necessary to ensure the stock is making adequate rebuilding progress.

Comment 3: One NGO opposed the SSC's catch recommendations for GOM cod and noted there should be no directed fishing for this stock. The NGO also opposed our interpretation that two equally acceptable assessment models were approved for GOM cod.

Response: As noted earlier in Item 3 of this preamble, Framework 51 does not set specifications for GOM cod. The FY 2013–2015 catch limits for GOM cod were adopted and approved through Framework 50 last year and these catch limits were recently upheld by a federal district court. These catch limits are restated in this action, but are unchanged from those recommended by the SSC and subsequently adopted by the Council in Framework 50. Further, this action does not consider any management measures that would necessarily prevent directed fishing on GOM cod. As a result, this comment does not directly address the proposed measures, and is not relevant to the final measures adopted in this action.

To provide some background, however, two ABC alternatives were considered in Framework 50: 1,249 mt and 1,550 mt. Based on the recommendation of its SSC, and in order to help mitigate the economic impacts of Framework 50 on fishing communities, the Council adopted, and we approved, an ABC of 1,550 mt. These specifications adopted in Framework 50 were determined to be based on the best scientific information available, and consistent with conservation objectives of the Groundfish FMP and applicable law. In fact, when recently challenged on the GOM cod specifications adopted in Framework 50 on the grounds that the specifications did not prevent overfishing, and exceeded the recommendation of the SSC, the Court found that the Council and NMFS did not err in selecting a catch limit of 1,550 mt. Specifically, the Court found that the GOM cod specifications were based on the best available scientific information, and that available analysis adequately demonstrated that the catch limits will have an adequate probability of preventing overfishing. See, *Conservation Law Foundation* v. *Pritzker, 2014 WL 1338596 (D.D.C. 2014*).

We disagree with the commenter's proposal that the fishery should be closed to directed fishing for cod. Given the substantial reduction in the GOM cod quota that was implemented beginning in FY 2013, it is unlikely that cod is currently a primary directed species. Rather, most commercial groundfish vessels likely use their available cod quota to prosecute other fisheries. Similarly, available information indicates that the recreational retention rates for GOM cod are extremely low; on average, slightly more than 1 cod was retained by anglers in FY 2013. We are unclear on whether the commenter intended that trip limits be implemented for sector vessels in order to prevent directed fishing on GOM cod, or whether possession of the stock should be prohibited. Regardless, both the commercial and recreational groundfish fisheries receive allocations of cod, which, in addition to other management measures and accountability measures, help prevent catches from exceeding these allocations. In addition, sector vessels have the flexibility to make business plans and fish as efficiently as possible in order to maximize revenues with available allocations.

Appropriately set catch limits is the fundamental basis to management measures, and so long as accountability measures for the fishery adequately

prevent and address overages of these catch limits, groundfish vessels should, whenever possible, be provided with flexibility for determining how best to harvest the available quotas. The Council could consider additional management measures, such as trip limits or a prohibition on possession, if updated information indicated these measures were necessary to meet the goals and objectives of the Groundfish FMP, or more specifically, conservation objectives for GOM cod.

Rebuilding Plan Review Analysis

Comment 4: The Council and one commercial fishing organization supported the proposed rebuilding plan review analysis for GOM cod and plaice. The Council commented that this measure would commit the Council to a formal, thorough review of rebuilding progress and provide the Council with necessary information for decision-making. The Council also noted that, often times, investigation of why rebuilding has not occurred as expected is not a standard term of reference for stock assessments, and this type of investigation can be cursory. Lastly, the Council also commented that the current biennial review process does not revisit reference points.

Response: We agree that the review analysis provides a formal process for the Council, and its technical bodies, to follow should GOM cod or plaice fall below their rebuilding trajectories, and the other relevant criteria be met. However, we disagree with the Council's assertion that recent groundfish stock assessments have not investigated why rebuilding has not occurred as expected. A stock assessment typically evaluates the stock's current biomass levels compared to levels estimated in the prior stock assessment. As part of this exercise, the assessment will investigate why estimated levels may have changed from the previous assessment, and will also review the performance of historical projections with respect to stock size, catch recruitment, and fishing mortality, as the Council's comment notes.

The Council also notes that the assessments do not compare fishing year catches to annual catch limits, which is the first of three criteria that must be met to initiate the rebuilding plan review. This comment ignores the Council's own biennial review process. The existing biennial review process specifies that the Groundfish Plan Development Team (PDT) shall review available catch data, including landings and discard information. In general, because stock assessments are based on the calendar year, which does not align with the groundfish fishing year (May 1-April 30) for which annual catch limits are set, fishing year catches are not compared to the annual catch limits in the stock assessment. Instead, the PDT does, and should, review and evaluate annual fishing year catches compared to the pertinent annual catch limits in order to develop and recommend appropriate management options that achieve the goals and objectives of the Groundfish FMP. Although ''compare fishing year catches to annual catch limits'' is not an explicitly stated as part of the Council's biennial review process, this could be added as an additional step in the biennial review process, or the preparation of the annual Sock Assessment and Fishery Evaluation report or the biennial review process in a future management action. A review of fishing year catches compared to annual catch limits should not be reserved only for times when a stock falls below its rebuilding trajectory, and instead should be a routine task for the Groundfish PDT.

To clarify the Council's comment that the existing biennial review process does not revisit reference points, it is important to note that there is no guarantee the review of the biomass reference points in the rebuilding review analysis will result in any revisions to the biomass reference points. The only analyses that would be sufficient to revise biomass reference points, and thus provide new catch advice options based on those revised reference points, would be another stock assessment.

The Council's comment did not provide further clarification on our concerns for the portions of the rebuilding plan review analysis that are obsolete because this action adopts rebuilding plans that already use the maximum 10 years allowed by the Magnuson-Stevens Act. As a result, we are only partially approving the rebuilding plan review analysis, and have removed the unnecessary and redundant criteria related to considering an extension of the rebuilding program to the maximum 10 years allowed. We explain this partial approval in more detail earlier in this preamble, and this explanation is not repeated here. If this rebuilding review analysis is adopted for other stocks in the future, and those stocks do not already use the maximum 10 years allowed, the Council could include a necessary step that considers extending the rebuilding plan to 10 years, so long as that criteria is relevant to the pertinent stock's rebuilding program.

U.S./Canada Quotas and White Hake Catch Limits

Comment 5: One commercial fishing organization supported the proposed U.S./Canada quotas and the white hake catch limits.

Response: We acknowledge the commenter's support of the U.S./Canada quotas and the white hake catch limits. The most recent stock assessment for white hake that was completed in February 2013 indicated that the stock is no longer overfished, and no longer subject to overfishing. In addition, projections from the assessment show that white hake is expected to reach its rebuilt level in 2014, which is the target year for rebuilding this stock. Due to this improved stock status, we implemented an emergency action for FY 2013 to increase the white hake catch limit based on the results of the 2013 assessment. We implemented this emergency action because the assessment results became available after the Council took final action on Framework 50, which set FY 2013–2015 specifications for nearly all groundfish stocks, in order to give the Council time to incorporate this updated information. Framework 51 adopted FY 2014–2016 catch limits for white hake based on the new assessment and on the recommendations of the SSC. As a result, we determined that these catch limits are consistent with the best scientific information available, and are approving them in this final rule. The catch limits adopted in this action for FY 2014–2016 will be a 10-percent increase compared to FY 2013.

Similarly, we determined that the FY 2014 U.S./Canada quotas adopted in Framework 51 are consistent with the best scientific information available, the TMGC recommendations and, for Georges Bank yellowtail flounder, the SSC's recommendation. As a result, we are approving these shared U.S./Canada quotas in this final rule. These determinations are more fully described in Items 2 and 3 of this preamble, and are not repeated here.

Small-Mesh Fisheries Accountability Measure for Georges Bank Yellowtail Flounder

Comment 6: One commercial fishing organization supported the proposed AM for GB yellowtail flounder for the small-mesh fisheries.

Response: We acknowledge the commenter's support of the AM for GB yellowtail flounder for the small-mesh fisheries. As more fully described in Item 4 of this preamble, an additional AM for the small-mesh fisheries was required following the allocation of GB

yellowtail flounder to these fisheries for FY 2013 and beyond. The proposed AM would require selective trawl gear in the GB yellowtail flounder stock area if the small-mesh fisheries exceed their allocation. This gear-based AM, coupled with a pound-for-pound payback should the small-mesh fisheries cause the overall U.S. quota to be exceeded, will help ensure that sufficient measures are in place to reduce catch of GB yellowtail flounder should an overage occur. Triggering the small-mesh fisheries AM based on an overage of their allocation will help ensure that catch from this component of the fishery does not negatively affect other components of the fishery, particularly the commercial groundfish fishery. With the exception of the scallop fishery AM for yellowtail flounder, which is only triggered if the overall catch limit is exceeded or the scallop fishery exceeds its allocation by 50 percent or more, AMs for allocated groundfish stocks are triggered if a fishery exceeds its specific allocation, regardless of whether the overall catch limit is exceeded.

The proposed AM can be implemented up to 2 years after an overage, which is consistent with the approach used for other groundfish AMs. Due to data availability used to estimate catch from state waters and non-groundfish fisheries, we typically do not receive final catch estimates until after the fishing year ends. In addition, small-mesh vessels operate at different times on Georges Bank depending on the target species (i.e., squid and whiting). In order to avoid disproportionate impacts of the AM on small-mesh vessels that could occur if the AM is implemented inseason, the AM is only implemented at the start of the fishing year. For all these reasons, we determined that the proposed AM is consistent with the necessary requirements of the Magnuson-Stevens Act and other applicable law, and are approving this measure.

U.S./Canada Quota Trading Mechanism

Comment 7: One commercial fishing organization and one commercial fisherman opposed the proposed U.S./Canada quota trading mechanism because, in their view, it would not provide specific opportunities for the groundfish industry to provide input on any potential trade, and it would allow all fisheries to benefit from a trade regardless of the fishery that traded away its quota.

Response: We disagree that the groundfish industry would not have specific opportunities to provide input on a potential trade. The trading mechanism adopted in this action requires that the Regional Administrator consult with the Council prior to making any trade, thereby providing the groundfish industry an opportunity to provide input through the Council's public participation process. In addition to the consultation with the Council, the U.S. TMGC would also participate in specifying any potential trade, which provides an additional opportunity for the groundfish industry to provide input through the Council's appointees on the U.S. TMGC.

We realize the concern of the commenters that all fisheries would benefit from a trade regardless of whether those fisheries gave up any of their quota. This was anticipated and considered during the development of Framework 51. We determined that a more simplified trading mechanism that used the Council's current ABC distribution schedule was the best option for an initial attempt at allowing trading, and that could be done through a framework action. Other types of trading mechanisms that allow only a single fishery component to participate in trades with Canada, and benefit from additional quota received from Canada, were determined to be beyond the scope of a framework action, and options that the Council would have to consider in an amendment. As a result, the Council adopted the trading mechanism that is approved in this action only for 1 year, and the mechanism will only apply to trades made before the end of FY 2014. This was intended to put a mechanism in place while the Council continued to work on development of a long-term trading mechanism for FY 2015 and beyond in Amendment 18 that would address the commenters' concerns for industry participation and inclusion of only those fishery components that gave away quota.

In addition, although this action establishes a 1-year trading mechanism, this action does not guarantee, or lock in, any trade for FY 2014. If a potential trade was being considered in FY 2014, we would still have to consult with the Council, including the other respective U.S./Canada management bodies, before any trade was agreed upon with Canada. We will ensure that the appropriate groups have ample time to provide input on any potential trade, should one become available, and will consider all input when determining whether to make a trade with Canada.

Distribution of Eastern/Western Georges Bank Haddock Sector Allocations

Comment 8: One commercial fishing organization supported the measure to allow sectors to ''convert'' a portion of their eastern GB haddock allocation to western GB haddock allocation and noted that this measure will provide sectors with additional flexibility. The commenter also noted that this measure successfully utilizes the sector system as a tool to develop management solutions.

Response: We agree that this measure will provide sectors with additional flexibility for harvesting their GB haddock allocations, and that this measure is a good example of the benefits the sector program can provide. As described in detail in Item 6 of this preamble, it was possible that the existing regulations could limit the amount of haddock that could be caught in the Western U.S./Canada Area and unnecessarily constrain a sector's catch of GB haddock. If this situation occurred, it could prevent a sector from harvesting its entire GB haddock allocation, which ultimately could prevent the fishery from achieving optimum yield. Any impediment for achieving optimum yield for this stock is particularly important given the healthy status of GB haddock, and the low levels of other key groundfish stocks, which have resulted in substantial economic losses for the groundfish fishery. The measure adopted in this action addresses this problem, and ensures that sector vessels have increased flexibility for harvesting a healthy stock.

Comment 9: One commercial fisherman opposed the measure to allow sectors to ''convert'' a portion of their eastern GB haddock allocation to western GB haddock allocation and noted that this measure opens ''Pandora's Box'' to revisit stock boundaries. The commenter also questioned why this measure was adopted only for GB haddock, and not GB cod.

Response: We disagree that this measure opens the door for re-visiting stock boundaries. As explained in more detail in Item 6 of this preamble, the eastern portion of the GB haddock stock is a sub-unit of the total GB haddock stock. The total ABC for GB haddock includes the U.S./Canada quota for eastern GB haddock. As a result, this measure does not draw into question, or refute, the existing stock boundaries of GB haddock. Rather, it attempts to provide additional flexibility for sectors to harvest GB haddock in both the Eastern and Western U.S./Canada Areas, recognizing that so long as the total catch limit for GB haddock is not exceeded, this measure does not jeopardize any conservation objectives for GB haddock. Due to the current situation for GB haddock, no action had the potential to prematurely shut down the Western U.S./Canada Area should

sectors begin to utilize more of their GB haddock allocations. There is a large year class for GB haddock that has begun to recruit to the fishery, so although it is too early to tell whether quota utilization for GB haddock will increase in FY 2014, the measure adopted in this action is intended to proactively adjust management measures should sectors begin to harvest more GB haddock.

The measure adopted in this action was determined to not have any negative biological implications for GB haddock; however, this same determination would not necessarily be true for GB cod. Under the assumption that cod mix freely on Georges Bank between the Eastern and Western U.S./Canada Areas, then this measure applied to GB cod would likely not increase any biological risk to the stock. However, larger cod tend to be aggregated more in the Eastern U.S./Canada Area. Further the status of GB cod is dramatically different than GB haddock. GB cod is overfished and overfishing is occurring. This measure was not considered for GB cod because the issue only existed for GB haddock, but further, this measure would likely not be appropriate for GB cod given the potential to have negative biological consequences on a depleted stock.

In our approval of this measure for GB haddock in this action, we do recommend that the Council should occasionally review the measure in the future to ensure that it is still necessary and appropriate, particularly if there is a drastic change in the stock assessment for either GB haddock or its eastern sub-unit, or the perception of stock status changes in the future.

Georges Bank Yellowtail Flounder Discard Strata

Comment 10: The Council commented on the proposed discard strata for GB yellowtail flounder, and noted that this measure was not an ''either/or'' situation relative to the development of a [non-regulatory] discard tool for sectors, though the Council did express a preference for the sector discard tool over the revised discard strata for GB yellowtail flounder. The Council briefly summarized the proposed measure and noted that the measure would result in increased accuracy of discard estimates with adequate observer coverage, and that the sector discard tool would not provide the same increased accuracy.

Response: We agree that the proposed measure was not necessarily an ''either/or'' situation relative to the development of a discard tool for sectors. As a result, we reviewed the proposed discard strata for GB yellowtail flounder on its merits, and for its consistency with the relevant National Standards of the Magnuson-Stevens Act. As explained earlier in this preamble, we disapproved this measure because we determined it was not consistent with National Standards 5 and 7, and would likely lack any measurable benefits. However, because the Council expressed a preference that a non-regulatory discard tool be developed for sectors, we did consider this as one approach available to address the concerns noted during the development of Framework 51 for discard estimates.

As the Council's comment suggests, the assumption of ''adequate observer coverage'' in order for the proposed measure to increase precision of catch estimates is important. This measure has the potential to increase the variance in discard estimates, which could subsequently increase monitoring coverage levels necessary to accurately monitor sector catches. Without appropriate monitoring coverage, increased variability in discard estimates would affect our ability to reliably monitor sector catches, meet the 30-percent coefficient of variation standard specified in the Groundfish FMP, and ensure that overfishing is not occurring. This is described in more detail in the disapproval of this measure earlier in this preamble, and is not restated here.

Although the Council correctly points out that the revised discard strata could lead to different discard estimates for some sectors, it does not acknowledge that the changes to the total discard estimates would likely be small. This comment also does not acknowledge that the revised discard strata would affect each sector's discard estimate for GB yellowtail flounder differently. Discard estimates for some sectors would have increased under the revised discard strata, and the estimates for other sectors would have decreased. Thus, it is still unclear whether there are any measurable benefits of this measure that outweigh the potential disadvantages of this measure (i.e., administrative burden, potential to increase variance, etc.).

Comment 11: One commercial fishing organization commented that the discard tool we developed would likely prove useful for sectors, although this tool could be quite complicated for sectors to use. The commenter noted that sector representatives would likely need additional training on how to use the tool before it could be more widely used.

Response: We agree that the discard tool will likely be useful for sectors, particularly because of the wide range of potential uses that allow a sector to assign discards to its member vessels in any number of ways of its choosing based on the sector's own business model, including applying the tool for all stocks, or just some stocks. The development of this discard tool is described in detail earlier in the preamble of this rule, and is not repeated here. We agree that, at least initially, the discard tool may be complicated for sector representatives to learn and use, particularly in learning all the various combinations of criteria that can be applied to distribute discards to member vessels. In addition, the application of this tool will require sector members to become familiar with the tool, and the sector will ultimately have to decide how best to distribute individual discards based on the selected criteria. We will continue to work with sector representatives to improve the utility of this discard tool, and are already soliciting additional feedback from sectors on how we can best provide additional support for this tool.

Prohibition on Possession of Yellowtail Flounder by the Limited Access Scallop Fishery

Comment 12: The Council and one commercial fishing organization supported the proposed prohibition on possession of yellowtail flounder by limited access scallop vessels. Both commenters supported this measure because it would remove any incentive for scallop vessels to target yellowtail flounder, which would ultimately reduce bycatch of yellowtail flounder in the scallop fishery, and reduce total mortality on yellowtail flounder stocks.

Response: We acknowledge the commenters' support of the prohibition on possession of yellowtail flounder by limited access scallop vessels. As more fully described in Item 7 of this preamble, prohibiting possession of yellowtail flounder would remove any incentive for scallop vessels to target yellowtail flounder, and has the potential to reduce total mortality for yellowtail flounder compared to the current requirement to land all legal-sized yellowtail flounder. If discard mortality is less than 100 percent for yellowtail flounder, then a requirement to land all legal-sized yellowtail flounder could increase mortality relative to a prohibition on possession. Based on the available information, it is reasonable to expect that some fish from these stocks, albeit a small number, may survive after being discarded, thus

reducing total mortality on these stocks. Reducing total mortality, even slightly, is particularly important for these yellowtail flounder stocks. Although SNE/MA yellowtail flounder was declared rebuilt in 2012, CC/GOM and GB yellowtail flounder are overfished and overfishing is occurring for both stocks. Thus, even though this measure appears to increase bycatch, as defined by the Magnuson-Stevens Act, it is not practicable to reduce bycatch because to do so would likely increase overall mortality of yellowtail flounder. The conservation benefits of further reducing mortality of yellowtail flounder outweigh the potential for this measure to increase bycatch as defined by the Magnuson-Stevens Act. As a result, we have determined that the prohibition on possession adopted in this action is consistent with National Standard 9, and other conservation requirements, of the Magnuson-Stevens Act.

Comment 13: One NGO commented that it is puzzling that most of the fleet is not abiding by the current landing requirement, and the remaining portion of the fleet is targeting yellowtail flounder. The commenter noted that mandatory ''move-on'' rules is the only clear answer to possession rules for yellowtail flounder for the scallop fishery.

Response: During development of Framework 51, we did note concerns for the apparent low compliance rate by limited access scallop vessels with the landing requirement. However, we repeatedly noted that low compliance with any management measure was not an appropriate basis, by itself, for eliminating a requirement. For this measure, we evaluated how prohibiting possession would affect total mortality on the stock, and as described in Item 7 of this preamble, determined that the discard mortality rate for yellowtail flounder was likely less than 100 percent, at least for one stock of yellowtail flounder. Under this assumption then, requiring limited access scallop vessels to discard all yellowtail flounder is expected to decrease total mortality on yellowtail flounder stocks compared to the landing requirement if even a small number of fish survive. Further, because some scallop vessels may be targeting yellowtail flounder, prohibiting possession provides additional conservation benefits by removing any incentive for scallop vessels to target yellowtail flounder. Ultimately, removing this incentive is expected to further reduce overall fishing mortality on yellowtail flounder in the scallop fishery.

The support for mandatory ''move-on'' rules does not directly address the proposed measures, and is not an available substitute for this action because we can only approve or disapprove the proposed Framework 51 measures. However, to briefly respond to this comment, we note that, although not mandatory, the scallop fishery does utilize a yellowtail flounder avoidance program that incorporates real-time information from scallop vessels to determine the location of yellowtail flounder catch hotspots and better allows scallop vessels to harvest their scallop allocations while minimizing yellowtail flounder catch. This program was expanded beginning in FY 2013 to include additional fishing areas on Georges Bank. If additional management measures are needed in the future to better achieve conservation objectives, the Council could consider ''move-on'' rules in a future management action. However, the scallop fishery has successfully stayed within its yellowtail flounder allocations under the existing management system that combines established AMs that are triggered if an overage occurs and a voluntary bycatch avoidance program.

FY 2014 Common Pool Trip Limits

Comment 14: One commercial fishing organization and one commercial fisherman opposed zero possession of GOM haddock for the common pool fishery for FY 2014. The commenters noted that a small trip limit should be allowed so that common pool vessels can land a small amount of haddock for home consumption.

Response: We agree with the commenter's suggestion that a small trip limit should be allowed. As noted in Item 9 of this preamble, the FY 2014 trip limit has been increased from what we initially proposed (zero possession) to 25 lb (11.3 kg) per trip. This trip limit is intended to allow vessels to land a small amount of haddock for personal consumption, but remains low enough to reduce any incentive to target GOM haddock. The FY 2013 common pool sub-ACL has been exceeded, and this overage will be deducted from the FY 2014 common pool sub-ACL. Since the common pool sub-ACL for GOM haddock is already small (2 mt), when considering the FY 2013 overage, and the possibility of additional overages in FY 2014, we have determined that it is not appropriate for any directed fishing on GOM haddock by common pool vessels, and thus, have kept the trip limit extremely low to prevent any directed fishing. This is expected to preserve the common pool quota for GOM haddock for the entire fishing year, and prevent prematurely shutting down the Gulf of Maine area, which would have negative impacts on common pool vessels, and prevent the common pool from harvesting its quota for other stocks.

Comment 15: Two commercial fishermen opposed the SNE/MA winter flounder trip limit of 1,000 lb (453.6 kg) per DAS up to 2,000 lb (907.2 kg) per trip, and instead suggested the trip limit be slightly higher to make trips for common pool vessels more profitable.

Response: We agree with the commenters' suggestion to increase the trip limit. As noted in Item 9 of this preamble, the FY 2014 trip limit has been increased from what we initially proposed to 1,500 lb (680.4 kg) per DAS up to 2,000 lb (1,360.8 kg) per trip. In addition to the factors described earlier, we also took into account the southern windowpane flounder AM that is triggered for FY 2014, which will require the use of selective trawl gear in certain areas of Southern New England for commercial groundfish trips. This AM will reduce fishing opportunities for winter flounder, and as a result we determined it was appropriate to increase the initial FY 2014 slightly from what we proposed to help offset the impacts of the windowpane flounder AM.

FY 2014 Windowpane Flounder Accountability Measures

Comment 16: The NGO noted that current catch estimates for FY 2013 indicate that the commercial groundfish fishery has exceeded its allocation for both windowpane flounder stocks, and commented that it was unclear whether there is any quota available to act as an AM for the FY 2012 overages.

Response: As explained in detail in Item 8 of the preamble, the commercial groundfish fishery AMs for both stocks of windowpane flounder are gear-restricted areas that are triggered if the overall catch limit is exceeded. These stocks are not allocated to sectors, and possession is prohibited. As a result, area-based AMs, instead of pound-for-pound ''payback'' AMs, were adopted to mitigate overages of the windowpane flounder catch limit, and prevent future overages from occurring, by requiring selective trawl gear for commercial groundfish vessels in order to reduce catches of windowpane flounder.

Due to data availability, we typically cannot determine whether the overall catch limit has been exceeded until after the fishing year ends when updated discard information for the sub-components of the fishery (e.g., state waters and non-groundfish fisheries) becomes available. As a result,

implementation of the windowpane flounder AMs can be delayed up to 2 years following an overage, which is the case of the FY 2012 overages that will result in an AM for FY 2014. In some circumstances, however, we could have reliable information inseason that shows a pertinent catch limit has been exceeded, and in those cases, we would trigger the windowpane flounder AMs the year immediately following an overage. For example, preliminary catch estimates for FY 2013 indicate the total catch limit for northern windowpane has been exceeded. Thus, regardless of whether an overage occurred in FY 2012 for this stock, we would have implemented the AM for northern windowpane at the start of the 2014 fishing year due to the overage of the FY 2013 catch limit.

To clarify the commenter's reference to the preliminary FY 2013 catch information, it is important to reiterate that the commercial groundfish AMs are only triggered if the overall catch limit is exceeded. An overage of the groundfish fishery's allocation does not dictate that an AM be implemented. For northern windowpane, this issue is moot because, as noted earlier, current FY 2013 catch estimates for the commercial groundfish fishery indicate the commercial fleet, alone, has caught more than the FY 2013 OFL. However, for southern windowpane flounder, although the commercial groundfish allocation has been exceeded, it may be unlikely that the overall catch limit is exceeded for FY 2013. Preliminary FY 2013 catch information for the scallop fishery indicates that the scallop fishery only caught approximately 60 percent of its allocation for southern windowpane (approximately an 80-mt underharvest). There is a possibility that this underage of the scallop fishery allocation helps prevent the overall catch limit from being exceeded in FY 2013 and, if so, no AMs would be necessary to address FY 2013 catches.

Changes From the Proposed Rule

We made four changes from the proposed rule in this action. First, this final rule disapproves the revised discard strata for GB yellowtail flounder, for reasons already described in detail in both the Disapproved Measures and the Comments and Responses sections of this preamble. These reasons are not restated here. Second, this final rule partially disapproves the rebuilding plan review analysis in order to remove irrelevant criteria, as well as the regulatory provisions related to this part of the analysis. The reasons for this partial disapproval are described in detail in Item 1 of this preamble and in the Comments and Responses section of this preamble. We also revised the GOM haddock and SNE/MA winter flounder trip limits for the common pool fishery based on comments received on the proposed trip limits, and these adjustments are explained in Item 9 of this preamble and in the Comments and Responses section of this preamble.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that the management measures implemented in this final rule are necessary for the conservation and management of the Northeast groundfish fishery and consistent with the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This final rule does not contain policies with Federalism or ''takings'' implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

The Assistant Administrator for Fisheries finds good cause, under authority contained in 5 U.S.C. 553(d)(3), to waive the 30-day delayed effectiveness of this action. The effective date of this action affects a parallel rulemaking approving sector operations plans for the start of FY 2014 on May 1, 2014. In addition, this action sets FY 2014 catch limits for white hake and U.S./Canada stocks, adjusts management measures for yellowtail flounder, and improves measures that will increase fishing opportunities for sector vessels. Therefore, these measures must be in effect at the beginning of FY 2014 to fully capture the conservation and economic benefits of Framework 51 measures and the FY 2014 sector operations plans. Due to the government shutdown in October 2013, the Council could not take final action on Framework 51 until December 2013, and as a result, the Council's submission of Framework 51 to NMFS was delayed until February 2014. Due to this time constraint, this rulemaking could not be completed further in advance of May 1, 2014. Therefore, in order to have this action effective at the beginning of FY 2014, which begins on May 1, 2014, it is necessary to waive the 30-day delayed effectiveness of this rule.

Failure to waive the 30-day delayed effectiveness would result in no catch limits being specified for FY 2014 for a number of groundfish stocks. Without an allocation for these groundfish stocks, sector vessels would be unable to fish beginning on May 1, 2014. This would severely disrupt the fishery, and could result in foregone yield and revenue reductions. The groundfish fishery already faced substantial cuts in the catch limits for many key groundfish stocks beginning in FY 2013, and any further disruption to the fishery could worsen the severe economic impacts that resulted from the FY 2013 catch limits. This action includes specifications that would increase the catch limits for white hake and the U.S. quota for the three shared U.S./Canada stocks, and also adopts other measures designed to increase fishing opportunities for sector vessels. These measures are intended to continue to help mitigate the economic impacts of the reductions in the FY 2013 catch limits. A delay in implementation of this action would greatly diminish the benefits of these specifications and other approved measures. For these reasons, a 30-day delay in the effectiveness of this rule is impracticable and contrary to the public interest.

Final Regulatory Flexibility Analysis

Introduction

The Regulatory Flexibility Act (RFA) requires that Federal agencies analyze the expected impacts of a rule on small business entities, including consideration of disproportionate and/or significant adverse economic impacts on small entities that are directly regulated by the action. As part of the analysis, Federal agencies must also consider alternatives that minimize impacts on small entities while still accomplishing the objectives of the rule. However, it is important to note that the RFA does not require that the alternative with the least cost, or with the least impact on small entities, be selected. Rather, the required analysis is used to inform the agency, as well as the public, of the expected impacts of the various alternatives included in the rule, and to ensure the agency considers other alternatives that minimize the expected impacts while still meeting the goals and objectives of the action, and that are still consistent with applicable law. In addition, our ability to minimize economic impacts is constrained, in part, by recommendations of the Council. We can only approve, partially approve, or disapprove the measures that the Council recommends in a management action.

Section 604 of the RFA, 5 U.S.C. 604, requires Federal agencies to prepare a Final Regulatory Flexibility Analysis (FRFA) for each final rule. Key elements

of the FRFA include a summary of significant issues raised by public comments, a description of the small entities that will be affected by the final rule, and a description of the steps the agency has taken to minimize the significant economic impact on small entities that includes the reasons for selecting each alternative and why other alternatives were not adopted. The FRFA prepared for this final rule includes the summary and responses to comments in this rule, the analyses contained in Framework 51 and its accompanying Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (IRFA), the IRFA summary in the proposed rule, as well as the summary provided below.

Statement of Objective and Need

A description of the action, why it is being considered, and the legal basis for this action are contained in Framework 51, the preamble to the proposed rule, as well as this final rule, and are not repeated here. A copy of the full analysis is available from NMFS (see **ADDRESSES**).

Summary of Significant Issues Raised in Public Comments

Our responses to all comments received on the proposed rule can be found in the Comments and Responses section of this preamble. No public comments were received on the economic impacts of this action, or the IRFA prepared for the proposed rule.

As a result of the public comment received, we disapproved the revised discard strata for GB yellowtail flounder, and only partially approved the GOM cod and plaice rebuilding plan review analysis in order to remove irrelevant criteria. We also revised the GOM haddock and SNE/MA winter flounder trip limits for the common pool fishery based on comments received on the proposed trip limits. No other changes to the proposed rule measures were required to be made as a result of public comments.

Description and Estimate of the Number of Small Entities to Which the Final Rule Will Apply

The Small Business Administration defines a small business as one that is:

- Independently owned and operated;
- Not dominant in its field of operation;
- Has annual receipts that do not exceed—
  - $19.0 million in the case of commercial finfish harvesting entities (NAIC [1] 114111)
  - $5.0 million in the case of commercial shellfish harvesting entities (NAIC 114112)
  - $7.0 million in the case of for-hire fishing entities (NAIC 114119); or
- Has fewer than—
  - 500 employees in the case of fish processors
  - 100 employees in the case of fish dealers.

This action impacts commercial and recreational fish harvesting entities that participate in the groundfish limited access and open access fisheries, the small-mesh multispecies and squid fisheries, and the scallop fishery. A description of the specific permits that are likely to be impacted is included below for informational purposes, followed by a discussion of the impacted businesses (ownership entities), which can include multiple vessels and/or permit types.

Limited Access Groundfish Fishery—The limited access groundfish fishery consists of those enrolled in the sector program and the common pool fishery. As of January 14, 2014, there were 1,088 individual limited access permits for FY 2013. Limited access groundfish eligibilities held as Confirmation of Permit History were not included for the purposes of this analysis. Although these entities may generate revenue from quota leasing, they do not generate any gross sales from fishing activity and, as a result, are not classified as commercial fishing entities. Of the 1,088 limited access groundfish permits issued in FY 2013, 664 of these permits were enrolled in the sector program, and 424 were in the common pool. Based on the information to date, 767 of these limited access groundfish permits have associated landings of any species, and 414 have some amount of groundfish landings. Each of these 1,088 permits will be eligible to join a sector or enroll in the common pool in FY 2014. There is also a possibility that some of these permit owners could allow their permit to expire by failing to renew it for FY 2014.

Handgear B Fishery—The Handgear B permit is an open access groundfish permit that can be requested at any time, with the limitation that a vessel cannot hold a limited access groundfish permit and an open access Handgear B permit concurrently. The Handgear B permit requires the use of rod-and-reel handgear, and is also subject to possession limits for groundfish species, with special provisions for cod. As of February 18, 2014, there were 891 Handgear B permits, and 78 of those vessels landed at least 1 lb (0.45 kg) of groundfish for FY 2014.

Charter/Party Fishery—The charter/party permit is an open access groundfish permit that can be requested at any time, with the limitation that a vessel cannot hold a limited access groundfish permit and an open access party/charter permit concurrently. Charter/party permits are subject to annual recreational management measures that include minimum fish sizes, possession limits, and seasonal closures. As of February 20, 2014, there were 667 party/charter permits issued for FY 2013. Of these permits issued for FY 2013, 383 vessels reported taking a party or charter trip, and 120 of these vessels have caught cod or haddock in the Gulf of Maine during FY 2013.

Limited Access Scallop Fisheries—The limited access scallop fishery includes Limited Access (LA) scallop permits and Limited Access General Category (LGC) scallop permits. LA scallop businesses are subject to a mixture of DAS and an access area rotation program. LGC scallop businesses are managed primarily under an individual fishing quota system, and vessels are able to acquire and lease additional scallop quota throughout the year. As of February 19, 2014, there were 348 active LA scallop permits with at least one dollar of revenue from sea scallops for FY 2013.

Small-Mesh Fisheries—The small-mesh exempted fishery allows vessels to harvest species in designated areas using mesh sizes smaller than the minimum mesh size required by the Groundfish FMP. To participate in the small-mesh multispecies (whiting) fishery, vessels must hold either a limited access groundfish permit or an open access Category K groundfish permit. Limited access groundfish permit holders can only target whiting while declared out of the fishery (i.e., not fishing under a DAS or sector trip). A description of limited access groundfish permits was provided above, and is not repeated here. As of February 18, 2014, there were 776 open access Category K groundfish permits issued, with only 34 of them landing at least 1 lb (0.45 kg) of whiting. Many of these vessels target both whiting and Longfin squid on small-mesh trips taken in the GB yellowtail flounder stock area, and therefore, most of them also have open access or limited access Squid, Mackerel, and Butterfish (SMB) permits.

[1] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

During calendar years 2010–2011, nearly half of the total whiting landings came from the GB yellowtail flounder stock area, but during the same time period, the squid landings from this area made up less than 10 percent of the total squid landings. As a result, and because most SMB-permitted vessels fishing in the GB yellowtail flounder stock area also have either a limited access or open access Category K groundfish permit, SMB permits were not incorporated into this analysis.

Ownership Entities—For the purposes of this analysis, an ''ownership entity'' is defined as an entity with common owners as listed on the permit application. Only permits with identical ownership are categorized as an ''ownership entity.'' For example, if five permits have the same seven persons listed as co-owners on their permit application, those seven persons would form one ''ownership entity.'' If two of those seven owners also co-own additional vessels, that ownership arrangement would be considered a separate ''ownership entity'' for the purpose of this analysis. The ownership entities, and not the individual vessels, are considered to be the entities regulated by this action.

On June 1 of each year, ownership entities are identified based on a list of all permits for the most recent complete calendar year. The current ownership data set is based on calendar year 2012 permits and contains average gross sales associated with those permits for calendar years 2010 through 2012. Matching the potentially-impacted FY 2013 permits described above to the calendar year 2012 ownership data results in 2,064 distinct ownership entities. Based on the Small Business Administration guidelines, 2,042 of these ownership entities are categorized as small, and 22 are categorized as large entities, all of which are shellfish businesses.

These totals may mask some diversity among the entities. Most of these ownership entities maintain diversified harvest portfolios, obtaining gross sales from many fisheries, and not dependent on any one fishery. However, not all ownership entities are equally diversified. The entities that depend most heavily on sales from harvesting species that are directly impacted by this action are most likely to be affected. To identify these ownership groups, dependence was defined as having sales of species from a specific fishery (e.g., groundfish or scallops) that were more than 50 percent of the ownership group's total gross sales.

Using this threshold, 151 entities are groundfish-dependent, all of which are considered small, and all of which are finfish commercial harvesting businesses. Of the 151 groundfish-dependent entities, 130 participate in the sector program, and 21 operate exclusively in the common pool fishery. There are 234 entities that are scallop-dependent. All of these scallop-dependent entities are shellfish businesses, and 20 of them are considered large. There are 35 small-mesh fishery-dependent entities; all of which are considered small. Of these small-mesh dependent entities, 19 are finfish businesses, and 16 are shellfish businesses. The small-mesh fishery-dependent entities may overestimate the number of impacted entities because missing statistical area information in the commercial dealer database makes it difficult to track whiting and squid landings that occurred exclusively in the GB yellowtail flounder stock area.

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements

This final rule contains a revision to the collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, and which has been approved by OMB under control number 0648–0605 (Amendment 16 reporting requirements).

This action adjusts the Annual Catch Entitlement (ACE) transfer request requirement implemented through Amendment 16 by adding a new entry field to the ACE transfer request form. This new entry field allows a sector to indicate how many pounds of eastern GB haddock ACE it intends to re-allocate to the Western U.S./Canada Area. The change is necessary so that a sector can apply for a re-allocation of eastern GB ACE in order to increase fishing opportunities in the Western U.S./Canada Area. Currently, all sectors use the ACE transfer request form to initiate ACE transfers with other sectors via an online or paper form to the Regional Administrator. The change would not affect the number of entities required to comply with this requirement. Therefore, this change is not expected to increase the time or cost burden associated with the ACE transfer request requirement. Public reporting burden for this requirement includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Description of the Steps Taken to Minimize Significant Economic Impacts of this Action

We are disapproving the proposed revision to the method for estimating discards of GB yellowtail flounder, and partially disapproving the proposed rebuilding plan review analysis for GOM cod and American plaice. The rationale for disapproving these measures adopted by the Council in Framework 51 is explained in detail in the preamble of this rule, and is not repeated here. We have determined that all of the other measures proposed in Framework 51 are consistent with the requirements of the Magnuson-Stevens Act and other applicable law, as well as the goals and objectives of the Groundfish FMP. As a result, we are approving these measures in this final rule. Many of these measures were developed in order to provide sectors with additional fishing opportunities and more flexibility to harvest their available allocations. These measures are expected to minimize economic impacts to small entities compared to the No Action alternatives. Other measures adopted in this final rule that may have some negative impacts to small entities were determined to be less burdensome compared to other alternatives that were considered in Framework 51, but ultimately not recommended by the Council.

Two factors were examined to determine whether this action could result in significant economic impacts: Disproportionality and profitability. Disproportionality refers to whether or not the regulations place a substantial number of small entities at a significant competitive disadvantage to large entities. Profitability refers to whether or not the regulations significantly reduce profits for a substantial number of small entities. This action has the potential to place small entities at a significant competitive disadvantage compared to large entities. This is mainly because large entities will likely have more flexibility to adjust to, and accommodate, the final measures. In addition, this action may have significant impacts on profitability for a substantial number of small entities, as described below.

The 10-year rebuilding programs for GOM cod and plaice that are adopted in this action are expected to have positive impacts on profitability of the small

entities that are regulated by this action that would result from rebuilt stocks. In addition, these rebuilding programs are expected to result in higher net present values and larger profits compared to the alternatives to the preferred alternative (No Action alternative, an 8-year rebuilding program for GOM cod, and a 7 and 8-year rebuilding program for plaice). Because these stocks were not making adequate rebuilding progress, the revised rebuilding programs adopted in this action are necessary to ensure conservation objectives are met, and that management measures are consistent with the rebuilding requirements of the Magnuson-Stevens Act. The alternatives to the 10-year rebuilding programs for both stocks were not selected because they would not have sufficiently accounted for the needs of fishing communities, past performance of groundfish rebuilding, and differences in the two assessment models used for GOM cod.

The catch limits implemented in this final rule are predicted to decrease gross revenues for the groundfish industry by 4 percent in FY 2014 compared to FY 2013 and by 26 percent compared to FY 2012. Net revenue is predicted to decline in FY 2014 by 12 percent compared to predicted net revenues, and by 21 percent compared to FY 2012. The negative impacts of the final catch limits would be non-uniformly distributed across vessel size classes, with smaller vessels being more heavily impacted compared to large vessels. Although small entities are defined based on gross sales of ownership groups, not physical characteristics of the vessel, it is reasonable to assume that larger vessels are more likely to be owned by large entities. As a result, the catch limits included in this action could put small entities at a competitive disadvantage compared to large entities.

The only alternative to the catch limits implemented by this rule is the No Action alternative. If no action was taken, no catch limits would be specified for the U.S./Canada stocks or white hake. As a result, sector vessels would be unable to fish in the respective stock areas in FY 2014. This would result in greater negative economic impacts on vessels compared to the specifications implemented by this action due to lost revenues as a result of being unable to fish. If no action was taken to specify catch limits for these stocks, the Magnuson-Stevens Act requirements to achieve optimum yield, take into account the needs of fishing communities, and minimize adverse economic impacts would also be violated. For these reasons, the No Action alternative was not selected.

The catch limits implemented by this action are based on the latest stock assessment information, which is considered the best scientific information available, and the applicable requirements in the Groundfish FMP and the Magnuson-Stevens Act. The catch limits implemented in this action are the highest allowed given the best scientific information available, the SSC's recommendations, and requirements to end overfishing and rebuild fish stocks. The only other options to the catch limits implemented in this action that would mitigate negative impacts would be higher catch limits. However, higher catch limits to those adopted in this action are not permissible under the law because they would not be consistent with the goals and objectives of the Groundfish FMP, or the Magnuson-Stevens Act, particularly the requirement to prevent overfishing. The Magnuson-Stevens Act, and relevant case law, prevents implementation of measures that conflict with conservation requirements, even if it means negative impacts are not mitigated. For these reasons, higher catch limits than those implemented in this action were not considered in Framework 51. As a result, the only other alternative to the catch limits implemented in this action was the No Action Alternative, which would not mitigate the economic impacts of the final catch limits, as explained above.

The GB yellowtail flounder AM established for the small-mesh fisheries that is adopted in this action is expected to have negative impacts on small-mesh fishery-dependent small entities, if the AM is triggered. However, this type of measure is required by the Magnuson-Stevens Act to help prevent overfishing, and to ensure that small-mesh fisheries catch of GB yellowtail flounder does not negatively affect the groundfish and scallop fisheries. If the small-mesh fisheries sub-ACL for GB yellowtail flounder is exceeded, selective trawl gear would be required in the year immediately following the overage, or 2 years after the overage, depending on data availability. Small entities would likely experience higher costs as a result, including the fixed cost of purchasing new gear and/or modifying existing gear. These potential gear restrictions would also likely lower the catch rates of target species (e.g., squid and whiting), which would increase operating costs and lower net revenue and overall profitability. The negative impacts this action could have are less than those that would have resulted from another alternative considered in Framework 51 that would have closed the entire GB yellowtail flounder stock area to small-mesh fisheries if the sub-ACL was exceeded. If the AM implemented in this rule successfully reduces discards of GB yellowtail flounder, and prevents overfishing, catch rates for the species could increase for groundfish-dependent small entities, resulting in small increases in profitability.

This action also adopts two measures that would modify U.S./Canada management measures to provide more flexibility and create additional fishing opportunities for groundfish vessels. For each of these measures, no other alternatives were considered other than the No Action alternative and the measures implemented in this action. The first measure establishes a U.S./Canada quota trading mechanism. This is an administrative measure, and is not expected to have any additional economic impacts, positive or negative, relative to the No Action alternative, which would not have specified any U.S./Canada trading mechanism. At this time, it is not known how this action might increase or decrease quota allocated to groundfish fishermen because it is difficult to anticipate what, if any, trade would be made between the United States and Canada. However, if the ability to trade quota inseason were to result in increased quota for U.S. vessels, and that quota was converted into landings, then this action would be beneficial to groundfish-dependent small entities. In addition, because this trading mechanism would likely allow the United States to receive additional quota for limiting stocks, any trade made would better help achieve optimum yield in the fishery. Compared to the No Action alternative, the preferred alternative may result in potential benefits to groundfish-dependent small entities and would likely allow the United States to receive additional quota for limiting stocks, and for these reasons, the No Action alternative was rejected.

The second measure allows sectors to convert their eastern GB haddock allocation to western GB haddock allocation and provide additional opportunities to harvest more of their total GB haddock allocation. This is expected to have small positive impacts on groundfish-dependent small entities that participate in the sector program due to increased operational flexibility. This measure is also expected to prevent the Western U.S./Canada Area from being closed to a sector prematurely, before the sector harvests all of its GB haddock allocation, which will

ultimately prevent foregone yield in the fishery. However, since catch of eastern and western GB haddock has been consistently lower than the respective catch limits, the benefit of this action is likely very small compared to the No Action alternative. Due to the small benefits that may be realized under the preferred alternative when compared to the No Action alternative, the No Action alternative was rejected.

This action also adopts a prohibition on possession of yellowtail flounder by limited access scallop vessels, which is expected to impact only scallop-dependent small entities. This measure could result in some economic loss for vessels that have been landing the species. However, only a relatively small proportion (less than a quarter) of the active limited access vessels are currently landing yellowtail flounder, and the average revenue per vessel from yellowtail flounder is less than 5 percent of the average total revenue. As such, the effects of this action on the profitability of scallop-dependent small entities are expected to be small. Further, this action is required to reduce total mortality on yellowtail flounder in order to better meet the goals and objectives of the Groundfish FMP. The only alternative considered to the preferred alternative was No Action. Compared to the preferred alternative, the No Action alternative may increase revenues for vessels that have been landing yellowtail flounder. However, the No Action alternative was not selected because the conservation benefits of reducing mortality on yellowtail flounder outweighed any minor economic benefit that some vessels could obtain by landing small amounts of yellowtail flounder.

The actions analyzed here must also be put into the context of previous actions, such as Amendment 16 to the Groundfish FMP, and parallel actions, such as the approval of FY 2014 sector operations plans, which contain ongoing measures to help mitigate negative impacts on the entities affected by this action.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, we will send a small entity compliance guide to all Federal permit holders affected by this action (groundfish, scallop, and small-mesh). In addition, copies of this final rule and guide (i.e., information bulletin) are available from NMFS (see **ADDRESSES**) and at the following Web site: *http://www.nero.noaa.gov/sfd/sfdmulti.html.*

List of Subjects

50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

50 CFR Part 697

Fisheries, Fishing.

Dated: April 17, 2014.

Paul N. Doremus,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR parts 648 and 697 are amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.14, revise paragraph (i)(2)(iii)(D) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(i) * * *

(2) * * *

(iii) * * *

(D) Fish for, possess, or land yellowtail flounder from a vessel on a scallop fishing trip.

* * * * *

■ 3. In § 648.60, revise paragraph (a)(5)(ii)(C) to read as follows:

§ 648.60 Sea scallop access area program requirements.

(a) * * *

(5) * * *

(ii) * * *

(C) *Yellowtail flounder.* Such vessel is prohibited from fishing for, possessing, or landing yellowtail flounder.

* * * * *

■ 4. In § 648.80, revise paragraph (g)(5)(i) to read as follows:

§ 648.80 NE Multispecies regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(g) * * *

(5) * * *

(i) *Nets of mesh size less than 2.5 inches (6.4 cm).* A vessel lawfully fishing for small-mesh multispecies in the GOM/GB, SNE, or MA Regulated Mesh Areas, as defined in paragraphs (a), (b), and (c) of this section, with nets of mesh size smaller than 2.5 inches (6.4-cm), as measured by methods specified in paragraph (f) of this section, may use net strengtheners (covers, as described at § 648.23(d)), provided that the net strengthener for nets of mesh size smaller than 2.5 inches (6.4 cm) complies with the provisions specified under § 648.23(c).

* * * * *

■ 5. In § 648.85, revise paragraphs (a)(2)(ii) and (b)(6)(iv)(B) and add paragraph (a)(2)(iv) to read as follows:

§ 648.85 Special management programs.

(a) * * *

(2) * * *

(ii) *TAC Overages.* Any overages of the overall Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder U.S. TACs caused by an overage of the component of the U.S. TAC specified for either the common pool, individual sectors, the scallop fishery, or any other fishery, pursuant to this paragraph (a)(2) and § 648.90(a)(4), that occur in a given fishing year shall be subtracted from the respective TAC component responsible for the overage in the following fishing year and may be subject to the overall groundfish AM provisions as specified in § 648.90(a)(5)(ii) if the overall ACL for a particular stock in a given fishing year, specified pursuant to § 648.90(a)(4), is exceeded.

* * * * *

(iv) *Inseason TAC Adjustments.* For FY 2014 only, the Regional Administrator, in consultation with the Council, may adjust the FY 2014 TACs for the U.S./Canada shared resources inseason consistent with any quota trade recommendations made by the TMGC and/or Steering Committee, and approved by the Regional Administrator. Any such inseason adjustment to the FY 2014 TACs may only increase the TAC available to the U.S. fishery, and may not reduce the TAC amount distributed in FY 2014 to any fishery component as specified in paragraph (a)(2)(iii) of this section. The revised FY 2014 TAC(s) shall be distributed consistent with the process specified in paragraph (a)(2)(iii) of this section. For example, if the U.S. receives additional yellowtail flounder TAC in FY 2014, and trades away a portion of its FY 2015 haddock TAC, the Regional Administrator would increase the FY 2014 U.S. TAC for yellowtail flounder inseason consistent with the process specified in this paragraph (a)(2)(iv). The adjustment to the FY 2015

U.S. TAC for haddock would be made as part of the process for establishing TACs, as described in paragraph (a)(2)(i)(C) of this section.

* * * * *

(b) * * *

(6) * * *

(iv) * * *

(B) *Observer notification.* For the purposes of selecting vessels for observer deployment, a vessel must provide notice to NMFS of the vessel name; contact name for coordination of observer deployment; telephone number for contact; the date, time, and port of departure; and the planned fishing area or areas (GOM, GB, or SNE/MA) at least 48 hr prior to the beginning of any trip declared into the Regular B DAS Program as required by paragraph (b)(6)(iv)(C) of this section, and in accordance with the Regional Administrator's instructions. Providing notice of the area that the vessel intends to fish does not restrict the vessel's activity on that trip to that area only (*i.e.,* the vessel operator may change his/her plans regarding planned fishing areas).

* * * * *

■ 6. In § 648.87:

■ a. Revise paragraph (b)(1)(i)(B) and the introductory text of paragraph (c)(2);

■ b. Add paragraph (e)(3)(iv); and

■ c. Remove paragraphs (b)(1)(i)(F) through (G) to read as follows:

§ 648.87 Sector allocation.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(B) *Eastern GB stocks—(1) Allocation.* Each sector allocated ACE for stocks managed under the terms of the U.S./Canada Resource Sharing Understanding in the Eastern U.S./Canada Area, as specified in § 648.85(a), shall be allocated a specific portion of the ACE for such stocks that can only be harvested from the Eastern U.S./Canada Area, as specified in § 648.85(a)(1). The ACE specified for the Eastern U.S./Canada Area portions of these stocks shall be proportional to the sector's allocation of the overall ACL available to all vessels issued a limited access NE multispecies permit for these stocks pursuant to § 648.90(a)(4). For example, if a sector is allocated 10 percent of the GB cod ACL available to all vessels issued a limited access NE multispecies permit, that sector would also be allocated and may harvest 10 percent of that ACE from the Eastern U.S./Canada Area. In this example, if the overall GB cod ACL available to all vessels issued a limited access NE multispecies permit is 1,000 mt, of which 100 mt is specified to the Eastern U.S./Canada Area, the sector would be allocated 100 mt of GB cod, of which no more than 10 mt could be harvested from the Eastern U.S./Canada Area and no more than 90 mt could be harvested from the rest of the GB cod stock area.

(*2*) *Re-allocation of haddock ACE.* A sector may re-allocate all, or a portion, of a its haddock ACE specified to the Eastern U.S./Canada Area, pursuant to paragraph (b)(1)(i)(B)(*1*) of this section, to the Western U.S./Canada Area at any time during the fishing year, and up to 2 weeks into the following fishing year (i.e., through May 14), unless otherwise instructed by NMFS, to cover any overages during the previous fishing year. Re-allocation of any ACE only becomes effective upon approval by NMFS, as specified in paragraphs (b)(1)(i)(B)(*2*)(*i*) through (*iii*) of this section. Re-allocation of haddock ACE may only be made within a sector, and not between sectors. For example, if 100 mt of a sector's GB haddock ACE is specified to the Eastern U.S./Canada Area, the sector could re-allocate up to 100 mt of that ACE to the Western U.S./Canada Area.

(*i*) *Application to re-allocate ACE.* GB haddock ACE specified to the Eastern U.S./Canada Area may be re-allocated to the Western U.S./Canada Area through written request to the Regional Administrator. This request must include the name of the sector, the amount of ACE to be re-allocated, and the fishing year in which the ACE re-allocation applies, as instructed by the Regional Administrator.

(*ii*) *Approval of request to re-allocate ACE.* NMFS shall approve or disapprove a request to re-allocate GB haddock ACE provided the sector, and its participating vessels, is in compliance with the reporting requirements specified in this part. The Regional Administrator shall inform the sector in writing, within 2 weeks of the receipt of the sector's request, whether the request to re-allocate ACE has been approved.

(*iii*) *Duration of ACE re-allocation.* GB haddock ACE that has been re-allocated to the Western U.S./Canada Area pursuant to this paragraph (b)(1)(i)(B)(*2*) is only valid for the fishing year in which the re-allocation is approved, with the exception of any requests that are submitted up to 2 weeks into the subsequent fishing year to address any potential ACE overages from the previous fishing year, as provided in paragraph (b)(1)(iii) of this section, unless otherwise instructed by NMFS.

* * * * *

(c) * * *

(2) If a sector is approved, the Regional Administrator shall issue a letter of authorization to each vessel operator and/or vessel owner participating in the sector. The letter of authorization shall authorize participation in the sector operations and may exempt participating vessels from any Federal fishing regulation implementing the NE multispecies FMP, except those specified in paragraphs (c)(2)(i) and (ii) of this section, in order to allow vessels to fish in accordance with an approved operations plan, provided such exemptions are consistent with the goals and objectives of the FMP. The letter of authorization may also include requirements and conditions deemed necessary to ensure effective administration of, and compliance with, the operations plan and the sector allocation. Solicitation of public comment on, and NMFS final determination on such exemptions shall be consistent with paragraphs (c)(1) and (2) of this section.

* * * * *

(e) * * *

(3) * * *

(iv) *Re-allocation of GB haddock ACE.* Subject to the terms and conditions of the state-operated permit bank's MOAs with NMFS, a state-operated permit bank may re-allocate all, or a portion, of its GB haddock ACE specified for the Eastern U.S./Canada Area to the Western U.S./Canada Area provided it complies with the requirements in paragraph (b)(1)(i)(B)(*2*) of this section.

* * * * *

■ 7. In § 648.90:

■ a. Revise paragraphs (a)(2)(iv) through (vii) and (a)(4)(iii)(G); and

■ b. Add paragraphs (a)(2)(viii), (a)(4)(i)(A) and (B), (a)(5)(iv), and (a)(5)(v) to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(2) * * *

(iv) *Rebuilding plan review for GOM cod and American plaice.* Based on this review of the most current scientific information available, the PDT shall determine whether the following conditions are met for either stock: The total catch limit has not been exceeded during the rebuilding program; new scientific information indicates that the stock is below its rebuilding trajectory (i.e., rebuilding has not progressed as expected); and $F_{rebuild}$ becomes less than 75% F_{MSY}. If all three of these criteria are met, the PDT, and/or SSC, shall undertake a rebuilding plan review to

provide new catch advice that includes the following, in priority order: Review of the biomass reference points and calculation of $F_{rebuild}$ ACLs based on the review of the biomass reference points and the existing rebuilding plan.

(v) The Council shall review the ACLs recommended by the PDT and all of the options developed by the PDT and other relevant information; consider public comment; and develop a recommendation to meet the FMP objectives pertaining to regulated species or ocean pout that is consistent with applicable law. If the Council does not submit a recommendation that meets the FMP objectives and is consistent with applicable law, the Regional Administrator may adopt any option developed by the PDT, unless rejected by the Council, as specified in paragraph (a)(2)(vii) of this section, provided the option meets the FMP objectives and is consistent with applicable law.

(vi) Based on this review, the Council shall submit a recommendation to the Regional Administrator of any changes, adjustments or additions to DAS allocations, closed areas or other measures necessary to achieve the FMP's goals and objectives. The Council shall include in its recommendation supporting documents, as appropriate, concerning the environmental and economic impacts of the proposed action and the other options considered by the Council.

(vii) If the Council submits, on or before December 1, a recommendation to the Regional Administrator after one Council meeting, and the Regional Administrator concurs with the recommendation, the Regional Administrator shall publish the Council's recommendation in the **Federal Register** as a proposed rule with a 30-day public comment period. The Council may instead submit its recommendation on or before February 1, if it chooses to follow the framework process outlined in paragraph (c) of this section, and requests that the Regional Administrator publish the recommendation as a final rule, in a manner consistent with the Administrative Procedure Act. If the Regional Administrator concurs that the Council's recommendation meets the FMP objectives and is consistent with other applicable law, and determines that the recommended management measures should be published as a final rule, the action will be published as a final rule in the **Federal Register,** in a manner consistent with the Administrative Procedure Act. If the Regional Administrator concurs that the recommendation meets the FMP objectives and is consistent with other applicable law and determines that a proposed rule is warranted, and, as a result, the effective date of a final rule falls after the start of the fishing year on May 1, fishing may continue. However, DAS used or regulated species or ocean pout landed by a vessel on or after May 1 will be counted against any DAS or sector ACE allocation the vessel or sector ultimately receives for that year, as appropriate.

(viii) If the Regional Administrator concurs in the Council's recommendation, a final rule shall be published in the **Federal Register** on or about April 1 of each year, with the exception noted in paragraph (a)(2)(vi) of this section. If the Council fails to submit a recommendation to the Regional Administrator by February 1 that meets the FMP goals and objectives, the Regional Administrator may publish as a proposed rule one of the options reviewed and not rejected by the Council, provided that the option meets the FMP objectives and is consistent with other applicable law. If, after considering public comment, the Regional Administrator decides to approve the option published as a proposed rule, the action will be published as a final rule in the **Federal Register**.

* * * * *

(4) * * *

(i) * * *

(A) *ABC recommendations.* The PDT shall develop ABC recommendations based on the ABC control rule, the fishing mortality rate necessary to rebuild the stock, guidance from the SSC, and any other available information. The PDT recommendations shall be reviewed by the SSC. Guided by terms of reference developed by the Council, the SSC shall either concur with the ABC recommendations provided by the PDT, or provide alternative recommendations for each stock of regulated species or ocean pout and describe the elements of scientific uncertainty used to develop its recommendations. Should the SSC recommend an ABC that differs from that originally recommend by the PDT, the PDT shall revise its ACL recommendations if necessary to be consistent with the ABC recommendations made by the SSC. In addition to consideration of ABCs, the SSC may consider other related issues specified in the terms of reference developed by the Council, including, but not limited to, OFLs, ACLs, and management uncertainty.

(B) *ACL recommendations.* The PDT shall develop ACL recommendations based upon ABCs recommended by the SSC and the pertinent recommendations of the Transboundary Management Guidance Committee (TMGC). The ACL recommendations of the PDT shall be specified based upon total catch for each stock (including both landings and discards), if that information is available. The PDT shall describe the steps involved with the calculation of the recommended ACLs and uncertainties and risks considered when developing these recommendations, including whether different levels of uncertainties were used for different sub-components of the fishery and whether ACLs have been exceeded in recent years. Based upon the ABC recommendations of the SSC and the ACL recommendations of the PDT, the Council shall adopt ACLs that are equal to or lower than the ABC recommended by the SSC to account for management uncertainty in the fishery.

* * * * *

(iii) * * *

(G) *GB yellowtail flounder catch by small mesh fisheries*—(*1*) For the purposes of this paragraph, the term ''small-mesh fisheries'' is defined as vessels fishing with bottom tending mobile gear with a codend mesh size of less than 5 in (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in § 648.80(b)(3).

(*2*) Small-mesh fisheries allocation. GB yellowtail flounder catch by the small-mesh fisheries, as defined in paragraph (a)(4)(iii)(G)(*1*) of this section, shall be deducted from the ABC/ACL for GB yellowtail flounder pursuant to the process to specify ABCs and ACLs, as described in this paragraph (a)(4). This small mesh fishery shall be allocated 2 percent of the GB yellowtail flounder ABC (U.S. share only) in fishing year 2013 and each fishing year after, pursuant to the process for specifying ABCs and ACLs described in this paragraph (a)(4). An ACL based on this ABC shall be determined using the process described in paragraph (a)(4)(i) of this section.

(5) * * *

(iv) *AMs if the sub-ACL for the Atlantic sea scallop fishery is exceeded.* At the end of the scallop fishing year, NMFS shall evaluate Atlantic sea scallop fishery catch to determine whether a scallop fishery sub-ACL has been exceeded. On January 15, or when information is available to make an accurate projection, NMFS will also determine whether the overall ACL for each stock allocated to the scallop

fishery has been exceeded. When evaluating whether the overall ACL has been exceeded, NMFS will add the maximum carryover available to sectors, as specified at § 648.87(b)(1)(i)(C), to the estimate of total catch for the pertinent stock. If catch by scallop vessels exceeds the pertinent sub-ACL specified in paragraph (a)(4)(iii)(C) of this section by 50 percent or more, or if scallop catch exceeds the scallop fishery sub-ACL and the overall ACL for that stock is also exceeded, then the applicable scallop fishery AM shall take effect, as specified in § 648.64 of the Atlantic sea scallop regulations.

(v) *AM if the small-mesh fisheries GB yellowtail flounder sub-ACL is exceeded.* If NMFS determines that the sub-ACL of GB yellowtail flounder allocated to the small-mesh fisheries, pursuant to paragraph (a)(4)(iii)(G) of this section, is exceeded, NMFS shall implement the AM specified in this paragraph consistent with the Administrative Procedures Act. The AM requires that small-mesh fisheries vessels, as defined in paragraph (a)(4)(iii)(G)(*1*) of this section, use one of the following approved selective trawl gear in the GB yellowtail flounder stock area, as defined at § 648.85(b)(6)(v)(H): A haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6). If reliable information is available, the AM shall be implemented in the fishing year immediately following the year in which the overage occurred only if there is sufficient time to do so in a manner consistent with the Administrative Procedures Act. Otherwise, the AM shall be implemented in the second fishing year after the fishing year in which the overage occurred. For example, if NMFS determined after the start of Year 2 that the small-mesh fisheries sub-ACL for GB yellowtail flounder was exceeded in Year 1, the applicable AM would be implemented at the start of Year 3. If updated catch information becomes available subsequent to the implementation of an AM that indicates that an overage of the small-mesh fisheries sub-ACL did not occur, NMFS shall rescind the AM, consistent with the Administrative Procedure Act.

* * * * *

PART 697—ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT

■ 8. The authority citation for part 697 continues to read as follows:

Authority: 16 U.S.C. 5101 *et seq.*

■ 9. In § 697.7, revise paragraphs (c)(1)(xxii) and (c)(2)(xvii) to read as follows:

§ 697.7 Prohibitions.

* * * * *

(c) * * *

(1) * * *

(xxii) Possess, deploy, fish with, haul, harvest lobster from, or carry aboard a vessel any lobster trap gear, on a fishing trip in the EEZ from a vessel that fishes for, takes, catches, or harvests lobster by a method other than lobster traps.

* * * * *

(2) * * *

(xvii) Possess, deploy, fish with, haul, harvest lobster from, or carry aboard a vessel any lobster trap gear on a fishing trip in the EEZ on a vessel that fishes for, takes, catches, or harvests lobster by a method other than lobster traps.

* * * * *

[FR Doc. 2014–09135 Filed 4–21–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 131203999–4326–02]

RIN 0648–XD020

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement an annual catch limit (ACL), harvest guideline (HG), annual catch target (ACT), and associated annual reference points for Pacific sardine in the U.S. exclusive economic zone (EEZ) off the Pacific coast for a one-time interim harvest period of January 1, 2014, through June 30, 2014, and to set annual harvest levels, such as overfishing limit (OFL), acceptable biological catch (ABC), annual catch limit (ACL), for Pacific sardine for the whole calendar year 2014. These specifications were determined according to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP), and reflect the recent 6-month change to the starting date of the annual Pacific sardine fishery from January 1 to July 1. The 2014 ACT or maximum directed HG is 19,846 (mt). Based on the seasonal allocation framework in the FMP, this equates to a first period (January 1 to June 30) allocation of 6,946 mt (35% of ACT). This rule also establishes an adjusted directed non-tribal harvest allocation for this period of 5,446 mt. This value was reduced from the total first period allocation by 1000 mt for potential harvest by the Quinault Indian Nation as well as 500 mt to be used as an incidental set aside for other non-tribal commercial fisheries if the 5,446 mt limit is reached and directed fishing for sardine is closed. This rule is intended to conserve and manage the Pacific sardine stock off the U.S. West Coast.

DATES: Effective April 22, 2014 through June 30, 2014.

ADDRESSES: West Coast Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Joshua Lindsay, West Coast Region, NMFS, (562) 980–4034.

SUPPLEMENTARY INFORMATION: During public meetings each year, the estimated biomass for Pacific sardine is presented to the Pacific Fishery Management Council's (Council) CPS Management Team (Team), the Council's CPS Advisory Subpanel (Subpanel) and the Council's Scientific and Statistical Committee (SSC), and the biomass and the status of the fisheries are reviewed and discussed. The biomass estimate is then presented to the Council along with the calculated OFL, ABC, ACL and HG, along with recommendations and comments from the Team, Subpanel and SSC. Following review by the Council and after hearing public comment, the Council adopts a biomass estimate and makes its catch level recommendations to NMFS. Each year NMFS then implements regulations that set the annual quota for the Pacific sardine fishing year that currently begins January 1 and ends December 31.

However, on February 28, 2014, NMFS published a final rule (79 FR 11343) to change the start date of the 12-month Pacific sardine fishery from January 1 to July 1, thus changing the fishing season from one based on the calendar year to a fishing year that will begin on July 1 and extend till the following June 30, as well as establish a one-time interim harvest period for the 6 months from January 1, 2014, through June 30, 2014. The purpose of this change is to better align the timing of the research and science that is used in the annual stock assessments with the annual management schedule. As a result of this action, the start of the next complete fishing season will begin on

July 1, 2014, and extend through June 30, 2015. Because the 2013 fishing season ended on December 31, 2013, it is necessary to implement interim management measures and harvest specifications for the period January 1, 2014 to June 30, 2014, to allow for fishing opportunities to continue during a transition from the current start of the fishing season to the new start on July 1. The purpose of this final rule is to implement the quota for the January 2014 through June 2014 period, as well as the other annual harvest levels (OFL, ABC and ACL) for the whole calendar year 2014, with the expectation that the annual harvest levels will be replaced for the new fishing year, beginning in July 2014, based on a new stock assessment and Council action in April 2014. The Council is scheduled to address sardine management for the next complete year (July 1 to June 30) at its April 2014 meeting.

The CPS FMP and its implementing regulations require NMFS to set these annual catch levels for the Pacific sardine fishery based on the annual specification framework in the FMP. This framework includes a harvest control rule that determines the maximum HG, the primary management target for the fishery, for the current fishing season. The HG is based, in large part, on the current estimate of stock biomass. The harvest control rule in the CPS FMP is HG = [(Biomass − CUTOFF) * FRACTION * DISTRIBUTION] with the parameters described as follows:

1. *Biomass.* The estimated stock biomass of Pacific sardine age one and above.

2. *CUTOFF.* This is the biomass level below which no commercial fishery is allowed. The FMP established this level at 150,000 mt.

3. *DISTRIBUTION.* The average portion throughout the year of the Pacific sardine biomass estimated to occur in the EEZ off the Pacific coast in any given year. The FMP established this level at is 87 percent.

4. *FRACTION.* The harvest fraction is the percentage of the biomass above 150,000 mt that may be harvested.

At the November 2013 Council meeting, the Council adopted a report completed by NMFS Southwest Fisheries Science Center providing a biomass projection estimate for Pacific sardine of 378,120 mt. This report and the resulting biomass estimate were endorsed by the Council's SSC as the best available information on the stock status. Based on recommendations from its SSC and other advisory bodies, the Council recommended and NMFS is implementing an OFL of 59,214 metric tons (mt), an ABC of 54,052 mt, an ACL of 54,052 mt (equal to the ABC), and a HG of 29,770. The current 2014 biomass estimate represents a 42 percent decrease from the updated stock assessment previously adopted by the Council in November, 2012. This current biomass estimate is based on a catch-only projection model that included updated catches from 2012 and 2013, but did not include other fishery or survey data collected over the past year. New data will, however, be incorporated in the next full assessment that will serve as the basis for the complete 12-month fishery management cycle beginning July 1, 2014.

The Council also adopted and NMFS is implementing an ACT or maximum directed HG of 19,846 (mt) as the maximum harvest level from which to calculate the first period allocation. Based the seasonal allocation framework in the FMP, this equates to a January 1 to June 30 allocation of 6,946 mt (35% of HG/ACT). The Council then adopted and NMFS is implementing an adjusted non-tribal harvest allocation for this period of 5,946 mt. This number has been reduced from the total allocation for this period by 1,000 mt for potential harvest by the Quinault Indian Nation. A 500 mt incidental catch set aside is also being established for this period, leaving 5,446 mt as the non-tribal directed fishing allocation for the period of January 1, 2014, through June 30, 2014. The purpose of the incidental set-aside allotment and allowance of an incidental catch-only fishery is to allow for the restricted incidental landings of Pacific sardine in other fisheries, particularly other CPS fisheries, when a seasonal directed fishery is closed to reduce bycatch and allow for continued prosecution of other important CPS fisheries. If during this period the directed harvest allocation is projected to be taken, fishing would be closed to directed harvest and only incidental harvest would be allowed. For the remainder of the period, any incidental Pacific sardine landings would be counted against that period's incidental set-aside. As an additional accountability measure, the incidental fishery would also be constrained to a 40 percent by weight incidental catch rate when Pacific sardine are landed with other CPS so as to minimize the targeting of Pacific sardine and reduce potential discard of sardine. In the event that an incidental set-aside is projected to be attained, the incidental fishery will be closed for the remainder of the period. If the total January 1 to June 30 allocation of Pacific sardine is reached or is expected to be reached, the Pacific sardine fishery will be closed until it re-opens at the beginning of the next fishing season.

As explained in the proposed rule, 1,000 mt of the HG is being set aside for use by the Quinault Indian Nation. NMFS will consult with Quinault Department of Fisheries staff and Quinault Fisheries Policy representatives prior to the end of the allocation period to determine whether any part of this set-aside is available for transfer into the non-tribal directed fishery.

The NMFS West Coast Regional Administrator will publish a notice in the **Federal Register** announcing the date of any closure to either directed or incidental fishing. Additionally, to ensure the regulated community is informed of any closure, NMFS will also make announcements through other means available, including fax, email, and mail to fishermen, processors, and state fishery management agencies.

On February 4, 2014, NMFS published a proposed rule for this action and solicited public comments (79 FR 6527). NMFS received one comment—explained below—regarding the proposed interim Pacific sardine specifications. The rule was not changed as a result of the comment; the final rule is the same as proposed.

Comment: The commenter requested that NMFS disapprove the proposed action and take emergency action to close the sardine fishery. The commenter states closing the fishery is necessary because certain parameters of the harvest control rules (such as the FRACTION parameter in the HG rule and sigma value used to calculate the ABC) used to determine the proposed quotas are flawed and/or are not based on best available information. Additionally, based on the commenter's opinion, the stock has fallen to a level requiring the fishing to be closed to allow the stock to recover to some higher level.

Response: The CPS FMP and its implementing regulations require NMFS to set an OFL, ABC, ACL and HG for the Pacific sardine fishery using the control rules set in the FMP. Reconsideration of the existing control rules and their parameters is beyond the scope of this rulemaking. Additionally, as explained in the preamble to this rule, the annual harvest reference points being established by this rule (OFL, ABC, ACL) are temporary, and will be replaced when complete year (12-month) sardine management (July 1 to June 30) is addressed in a subsequent rulemaking in late Spring 2014.

With regard to the parameters of the harvest control rules, the commenter specifically calls into question the

calculation of the FRACTION parameter as well as the determination of scientific uncertainty by the Council's SSC used in the calculation of the ABC. NMFS will respond to some aspects of the comment that relate to the control rules, such as these two items. However, in addition to responding to the comments about the calculation of the FRACTION parameter and the sigma value, *for information* purposes only, NMFS will respond to some aspects of the comments that are beyond the scope of this action, such as the CUTOFF and status of the sardine stock, as well as some of the more general comments relating to optimum yield, overfishing and concerns regarding forage for other species.

Contrary to the opinion of the commenter, the interim 2014 Pacific sardine ACL, HG, and associated annual reference points are based on the best available science. As explained above under **SUPPLEMENTARY INFORMATION**, this year's biomass estimate used for these interim specifications went through scientific review, and along with the resulting OFL and ABC, was endorsed by the SSC and NMFS as the best available science.

Due to past shifts in sardine productivity being linked with warm or cold ocean regimes, the CPS FMP currently uses a correlation between sea surface temperature measured at the Scripps Institution of Oceanography (SIO) pier and sardine productivity to determine the FRACTION parameter of the HG rule. NMFS recognizes that the management regime is likely transitioning to a new temperature index generated through the California Cooperative Oceanic Fisheries Investigations as well as a new temperature-recruit relationship for use in annually calculating the FRACTION component of the HG control rule. The rationale for this revision being that this new method of measuring temperature is a better predictor of sardine recruitment variability than the previous relationship based on temperatures at SIO. However, only when and if the Council process, subsequent NMFS review, and implementation processes for the revised FRACTION calculation are completed, the current control rule remains the best available science for setting harvest levels for Pacific sardine.

Also specific to the values used in the harvest control rules for this interim period the commenter questions the quantification of scientific uncertainty, or ''sigma'' value, used in the ABC control. This sigma value, the scientific uncertainty associated with estimating the OFL, is quantified annually by the Council's SSC based upon the best available data. Therefore although, as suggested by the commenter, this value may not encompass all possible sources of uncertainty in the OFL, NMFS believes that this determination by the SSC represents the best available information for calculating the ABC.

Beyond the specific comments regarding the HG FRACTION and the sigma value, the commenter also states that sardine management overall is not achieving OY, not preventing overfishing and directly impacting predators of Pacific sardine by removing their prey source. With regard to OY, as described in the FMP, catch levels determined from the HG formula will result in OY. The interim 2014 HG (i.e., the basis for the directed fishing management target for this period) was determined using this HG formula. The Council then recommended a lower ACT or maximum directed HG as the maximum harvest level from which to calculate the first period allocation. Directed commercial fishing is not allowed above this level and management measures are in place to prevent the fishery from exceeding the limit based on in-season catch monitoring, in-season closures and incidental catch set-asides. As it relates to overfishing, the interim 2014 ACT catch level is approximately 40,000 mt below the interim 2014 OFL, providing a large buffer against overfishing. Additionally, due to a similar buffer in 2013, total catch for the 2013 fishing season was approximately 40,000 mt lower than the OFL, therefore contrary to the statement made by the commenter, overfishing did not occur in 2013. These lower HGs are the result of OY considerations, including ecological, and the management strategy in the CPS FMP that establishes catch levels much lower than is needed to simply avoid overfishing or because of a risk of exceeding the ABC/ACL due to management uncertainty. These considerations and precautions are based on the environmentally driven dynamic nature of the Pacific sardine stock as well as its importance in the ecosystem as forage for other species. Therefore sardine management is intended to be more conservative than other MSY-based management strategies (OFL/ABC), because the focus for CPS management is oriented primarily towards biomass versus catch, leaving adequate forage in the ocean and maintaining long-term, consistent catch levels for industry. Highlighting the fact that current management puts a higher emphasis on maintaining biomass versus maximizing catch, the calculated HG for the 2014 interim period only equates to approximately four percent of the estimated biomass. Although the commenter cites mortality events and breeding failures of certain marine mammals and seabirds over recent years, no evidence is provided that links these circumstances with lack of prey due to fishing on sardine and in some cases whether they were linked to the status of the sardine stock on the whole.

With regard to overall sardine stock status, the HG control rule explicitly protects the stock from approaching an overfished condition (while explicitly reducing fishing if biomass decreases) through the use of a 150,000 mt CUTOFF parameter (level at which fishing is prohibited), which is three times the biomass at which the stock is considered overfished (50,000 mt). Although not the subject of this rulemaking, the commenter questions the values used for the CUTOFF parameter as well as the FMP's designation of 50,000 mt as the overfished level, as reflected in their assertion that the stock has fallen to a level that requires ''recovery.'' NMFS notes that the use of a CUTOFF parameter is not a requirement of the MSA or National Standard Guidelines; rather, it is a proactive and precautionary policy choice of the council and NMFS to use such an explicit mechanism in the control rule to prevent the fishery from causing the stock to approach the level that would be considered overfished. With regard to the overfished level, it represents the best available science and is the stock size level from which, on average, the stock would be expected to rebuild in ten years. Additionally, low biomass conditions for Pacific sardine may result from overfishing, unfavorable environmental conditions, or both acting in concert. Experience with CPS stocks around the world indicates that overfished/low biomass conditions usually occur when unfavorable environmental conditions and high fishing mortality rates occur at the same time. Management measures for sardine do not, however, depend on whether a low biomass condition was due to excess fishing or unfavorable environmental conditions, because reductions in fishing mortality are required in either case.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act, the Assistant Administrator, NMFS, has determined that this final rule is consistent with the CPS FMP, other provisions of the Magnuson-Stevens

Fishery Conservation and Management Act, and other applicable law.

NMFS finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for the establishment of these interim harvest specifications for the 2014 Pacific sardine fishing season. For the reasons set forth below, a reduction in the delay in effectiveness of this measure is necessary for the conservation and management of the Pacific sardine resource. This rule establishes the ability to restrict fishing when the directed harvest allocation is approached or reached, as well as institute and manage the incidental harvest allocation. A delay in effectiveness is likely to prevent the ability to close the fishery when necessary, and cause the fishery to exceed both the directed and incidental harvest allocations. Because the directed harvest allocation is approximately 12,000 mt less than the level for the same time period in 2013, NMFS expects that it will be necessary to close the directed fishery and institute an incidental catch only fishery prior to the start of the next fishing year on July 1, 2014. Delaying the effective date of this rule is contrary to the public interest because it may cause the fishery to exceed the established directed and incidental allocations. These allocations are important mechanisms in preventing overfishing and managing the fishery at optimum yield while allowing fair and equitable opportunity to the resource by all sectors of the Pacific sardine fishery. Additionally, the ability to close the directed fishery and institute the incidental fishery prior to the entire allocation being caught allows access to other profitable CPS fisheries, such as market squid, northern anchovy and Pacific mackerel. To inform the regulated community of this final rule NMFS will also announce this action through other means available, including fax, email, and mail to fishermen, processors, and state fishery management agencies. Additionally, NMFS will advise the CPS Advisory Subpanel, which is comprised of representatives from all sectors and regions of the sardine industry, including processors, fishermen, user groups, conservation groups and fishermen association representatives, of current landings as they become available and for the public at-large also post them on NMFS' West Coast Regional Office Web site, *http://www.westcoast.fisheries.noaa.gov/fisheries/pelagic/coastal_pelagic_species.html*. Therefore, NMFS finds that there is good cause to waive the 30-day delay in effectiveness in this circumstance.

These final specifications are exempt from review under Executive Order 12866.

No comments were submitted by public comments regarding the Initial Regulatory Flexibility Analysis (IRFA) prepared pursuant to the Regulatory Flexibility Act (RFA) for this action or on the economic impacts of the rule generally. Therefore, the Final Regulatory Flexibility Analysis (FRFA) contains no changes from the IRFA. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. The results of the FRFA are stated below. For copies of the FRFA, please see the **ADDRESSES** section above.

The purpose of this action is to implement harvest specifications for the Pacific sardine fishery in the U.S. EEZ off the Pacific coast. The CPS FMP and its implementing regulations require NMFS to set an OFL, ABC, ACL and HG or ACT for the Pacific sardine fishery based on the specified harvest control rules in the FMP.

On February 28, 2014, NMFS published a final rule (79 FR 11343) changing the start date of the 12-month Pacific sardine fishery from January 1 to July 1, thus changing the fishing season from one based on the calendar year to a fishing year that will begin on July 1 and extend until the following June 30, as well as establish a one-time interim harvest period for the 6 months from January 1, 2014, through June 30, 2014. The purpose of this change is to better align the timing of the research and science that is used in the annual stock assessments with the annual management schedule. As a result of this action, the start of the next complete fishing season will begin on July 1, 2014, and extend until June 30, 2015. Because the 2013 fishing season ended on December 31, 2013, it is necessary to implement interim management measures and harvest specifications for the period January 1, 2014 to June 30, 2014, to allow for fishing opportunities to continue during the transition from January 1, the current start of the fishing season, to the proposed new start on July 1. Therefore, the purpose of this final rule is to implement the quota and associated management measures for the January 2014 through June 2014 interim harvest period, as well as the other annual harvest levels (OFL, ABC and ACL) for 2014, with the expectation that these annual reference points will be replaced when complete year (12-month) sardine management (July 1 to June 30) is addressed in a subsequent rulemaking in spring 2014.

On June 20, 2013, the U.S. Small Business Administration (SBA) issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398). The rule increased the size standard for Finfish Fishing from $4.0 million to $19.0 million, Shellfish Fishing from $4.0 million to $5.0 million, and Other Marine Fishing from $4.0 million to $7.0 million. NMFS conducted its analysis for this action using the new size standards

As stated above, the SBA now defines small businesses engaged in finfish fishing as those vessels with annual revenues of or below $19 million. Under the former, lower size standards, all entities subject to this action in previous years were considered small entities, and under the new standards they continue to be considered small. The entities that would be affected by this action are the vessels that fish for Pacific sardine as part of the West Coast CPS finfish fleet. In 2013, there were approximately 96 vessels permitted to operate in the directed sardine fishery component of the CPS fishery off the U.S. West Coast, 55 vessels in the Federal CPS limited entry fishery off California (south of 39 N. lat.), and a combined 23 vessels in Oregon and Washington's state Pacific sardine fisheries. The average annual per vessel revenue in 2013 for the West Coast CPS finfish fleet was well below $19 million; therefore, all of these vessels are considered small businesses under the RFA. Because each affected vessel is a small business, this action has an equal effect on all of these small entities, and therefore will impact a substantial number of these small entities in the same manner. Therefore this rule will not create disproportionate costs between small and large vessels/businesses.

The profitability of these vessels as a result of this action is based on the average Pacific sardine ex-vessel price per mt. NMFS used average Pacific sardine ex-vessel price per mt to conduct a profitability analysis because cost data for the harvesting operations of CPS finfish vessels was unavailable.

For the 2013 fishing year, approximately 19,000 mt were available for harvest by the directed fishery during the 6-month time period of January 1, 2013 through June 30, 2013. Approximately 4,000 mt (approximately 2,500 mt in California and 1,500 mt in Oregon and Washington) of this allocation was harvested during that time period, for an estimated ex-vessel

value of $850,000. Using these figures, the average 2013 ex-vessel price per mt of Pacific sardines was approximately $215 during that time period.

The ACT or maximum directed HG that is used to calculate the first period allocation of January 1, 2014 to June 30, 2014 is 19,846 mt. This value is approximately 40,000 mt less than the maximum directed HG used to calculate the three seasonal allocations in 2013. Based on the seasonal allocation framework in the FMP, this equates to an allocation of 6,946 mt (35% of the 19,846 HG/ACT) for the interim harvest period of January 1, 2014 to June 30, 2014. From this value, the non-tribal directed fishing allocation for this period, accounting for a tribal set-aside and an incidental harvest allocation, is 5,446 mt. This equates to a decrease of approximately 12,000 mt between the first period (January–June) directed harvest allocation for 2014 compared to the same period in 2013. If the fleet were to take the entire January 1 through June 30, 2014, allocation, and assuming a coastwide average ex-vessel price per mt of $230 (average 2013 ex-vessel price per mt), the potential revenue to the fleet would be approximately $1.25 million. Therefore, because the non-tribal directed fishing allocation for the January 1, 2014 to June 30, 2014 period is 12,000 mt less than for the same period in 2013, this action will decrease the effected small entities' potential profitability during this same time period when compared to the same period last season.

However, although there is a decrease in potential profitability to sardine harvesting vessels for the January 1, 2014 to June 30, 2014 time period based on this rule compared to last season, as stated above, only approximately 4,000 mt of the allocated 19,000 mt were landed in 2013 during the first allocation period, therefore it is difficult to predict whether the allocation will ultimately restrict the harvesting capacity of the fleet for this period. Additionally, revenue derived from harvesting Pacific sardine is typically only one factor determining the overall revenue for a majority of the vessels that harvest Pacific sardine; as a result, the economic impact to the fleet from the action cannot be viewed in isolation. From year to year, depending on market conditions and availability of fish, most CPS/sardine vessels supplement their income by harvesting other species. Many vessels in California also harvest anchovy, mackerel, and in particular, squid, making Pacific sardine only one component of a multi-species CPS fishery. For example, market squid have been readily available to the fishery in California over the last three years with total annual ex-vessel revenue averaging approximately $66 million over that time, compared to an annual average ex-vessel from sardine of $16 million over that same time period.

These vessels typically rely on multiple species for profitability because abundance of sardine, like the other CPS stocks, is highly associated with ocean conditions and can vary seasonally, and therefore are harvested at various times and areas throughout the year. Because each species responds to ocean conditions in its own way, not all CPS stocks are likely to be abundant at the same time; therefore, as abundance levels and markets fluctuate, it has necessitated that the CPS fishery as a whole rely on a group of species for its annual revenues. Therefore, although there will be a potential reduction in sardine revenue for the small entities affected by this action when compared to the previous season, it is difficult to predict exactly how this reduction will impact overall annual revenue for the fleet.

There are no significant alternatives to this action that would accomplish the stated objectives of the applicable statutes and would also minimize any significant economic impact of this action on the affected small entities. The CPS FMP and its implementing regulations require NMFS to set an annual HG for the Pacific sardine fishery based on the harvest formula in the FMP. The harvest formula is applied to the current stock biomass estimate to determine the HG. Therefore, if the estimated biomass decreases or increases from one year to the next, the HG will correspondingly decrease or increase. Because the current stock biomass estimate decreased from 2013 to 2014, the HG and subsequent first period allocation also decreased.

There are no reporting, record-keeping, or other compliance requirements required by this rule. Additionally, no other Federal rules duplicate, overlap or conflict with this rule.

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

Small Business Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a notice to fishermen that also serves as a small entity compliance guide (guide) was prepared and will be distributed to fishermen and processors. The guide is also available on the Internet at *http://swr.nmfs.noaa.gov.* Copies of this final rule and guide, i.e., the notice to fishermen, will be available upon request from the West Coast Regional Office (see **ADDRESSES**).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 17, 2014.

Paul N. Doremus,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

[FR Doc. 2014–09180 Filed 4–21–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 77
Tuesday, April 22, 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.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Parts 1630 and 1631

Privacy Act and Freedom of Information Act Requests

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Proposed rule with request for comments.

SUMMARY: The Federal Retirement Thrift Investment Board (Agency) proposes to amend its Privacy Act and FOIA regulations to reflect the Agency's current organizational structure and to transfer responsibility for reviewing Privacy Act and FOIA requests from the Agency's Office of Resource Management (formerly known as the Office of Administration) to the Office of General Counsel.

DATES: Comments must be received on or before May 22, 2014.

ADDRESSES: You may submit comments using one of the following methods:

- Mail: Office of General Counsel, Attn: James B. Petrick, Federal Retirement Thrift Investment Board, 77 K Street NE., Washington, DC 20002.
- Hand Delivery/Courier: The address for sending comments by hand delivery or courier is the same as that for submitting comments by mail.
- Facsimile: Comments may be submitted by facsimile at (202) 942–1676.

The most helpful comments explain the reason for any recommended change and include data, information, and the authority that supports the recommended change.

FOR FURTHER INFORMATION CONTACT: Laurissa Stokes at 202–942–1645.

SUPPLEMENTARY INFORMATION: The Agency administers the Thrift Savings Plan (TSP), which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514. The TSP provisions of FERSA are codified, as amended, largely at 5 U.S.C. 8351 and 8401–79. The TSP is a tax-deferred retirement savings plan for Federal civilian employees and members of the uniformed services. The TSP is similar to cash or deferred arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)).

The Agency has eleven organizational offices: The Office of the Executive Director, the Office of Participant Operations and Policy, the Office of General Counsel, the Office of Investments, the Office of Communications and Education, the Office of Enterprise Planning, the Office of Enterprise Risk Management, the Office of External Affairs, the Office of Financial Management, the Office of Resource Management, and the Office of Technology Services. This proposed regulation would update the list of Agency offices contained in section 1631.3.

The Office of Resource Management (formerly known as the Office of Administration) currently has responsibility for reviewing, processing, and responding to initial requests for disclosure and initial requests to amend non-TSP records covered under the Privacy Act of 1974, 5 U.S.C. 552a. The Executive Director currently considers appeals of initial decisions to deny access to or amendment of records in consultation with the General Counsel.

This proposed regulation would transfer the responsibility for reviewing, processing, and responding to initial requests for disclosure and initial requests to amend non-TSP records covered under the Privacy Act to the Office of General Counsel by defining ''Privacy Act Officer'' to mean ''the Board's General Counsel or his or her designee.'' The Executive Director would retain responsibility for making a final decision on appeal of an initial decision to deny access to or amendment of records. However, the Executive Director would no longer be required to consult the General Counsel before making a final determination.

Freedom of Information Act

The Office of Resource Management (formerly known as the Office of Administration) currently has responsibility for making initial determinations to approve or deny requests received pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552. The General Counsel currently considers appeals of initial decisions to deny requests for records under the Freedom of Information Act.

This proposed regulation would transfer the responsibility for making initial determinations to approve or deny FOIA requests to the Office of General Counsel by defining ''FOIA Officer'' to mean ''the Board's General Counsel or his or her designee.'' In order to retain the opportunity for fair review on appeal, this proposed regulation would also transfer the responsibility for deciding appeals from the General Counsel to the Executive Director.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will affect Federal employees and members of the uniformed services who participate in the Thrift Savings Plan, which is a Federal defined contribution retirement savings plan created under the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514, and which is administered by the Agency.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, 1501–1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by state, local, and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under section 1532 is not required.

List of Subjects

5 CFR Part 1630

Privacy.

5 CFR Part 1631

Courts, Freedom of information, Government employees.

Gregory T. Long,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons stated in the preamble, the Agency proposes to amend 5 CFR chapter VI as follows:

PART 1630—PRIVACY ACT REGULATIONS

■ 1. The authority citation for part 1630 continues to read as follows:

Authority: 5 U.S.C. 552a.

■ 2. In § 1630.2, redesignate paragraphs (g) through (r) as paragraphs (h) through (s), and add new paragraph (g) to read as follows:

§ 1630.2 Definitions.

* * * * *

(g) *Privacy Act Officer* means the Board's General Counsel or his or her designee;

* * * * *

■ 3. Amend § 1630.14, by revising the first sentence of paragraph (a) to read as follows:

§ 1630.14 Appeals process.

(a) Within 20 work days of receiving the request for review, the Executive Director will make a final determination on appeal. * * *

* * * * *

§ 1630.16 [Amended]

■ 4. In § 1630.16, paragraph (d), remove the words and punctuation ''Head, TSP Service Office'', and add, in their place, the words ''Executive Director''.

PART 1631—AVAILABILITY OF RECORDS

Subpart A—Production or Disclosure of Records Under the Freedom of Information Act, 5 U.S.C. 552

■ 5. The authority for part 1631, subpart A, continues to read as follows:

Authority: 5 U.S.C. 552.

■ 6. Amend § 1631.1, by revising paragraph (e) to read as follows:

§ 1631.1 Definitions.

* * * * *

(e) *FOIA Officer* means the Board's General Counsel or his or her designee.

* * * * *

■ 7. Amend § 1631.3, by revising paragraph (a) to read as follows:

§ 1631.3 Organization and functions.

(a) The Federal Retirement Thrift Investment Board was established by the Federal Employees' Retirement System Act of 1986 (Pub. L. 99–335, 5 U.S.C. 8401 *et seq.*). Its primary function is to manage and invest the Thrift Savings Fund for the exclusive benefit of its participants (e.g., participating Federal employees, Federal judges, and Members of Congress). The Board is responsible for investment of the assets of the Thrift Savings Fund and the management of the Thrift Savings Plan. The Board consists of:

(1) The five part-time members who serve the Board;

(2) The Office of the Executive Director;

(3) The Office of Participant Operations and Policy;

(4) The Office of General Counsel;

(5) The Office of Investments;

(6) The Office of Communications and Education;

(7) The Office of Enterprise Planning;

(8) The Office of Enterprise Risk Management;

(9) The Office of External Affairs;

(10) The Office of Financial Management;

(11) The Office of Resource Management; and

(12) The Office of Technology Services.

* * * * *

■ 8. Amend § 1631.4, by revising the first sentence of paragraph (c) to read as follows:

§ 1631.4 Public reference facilities and current index.

* * * * *

(c) The FOIA officer shall also maintain a file open to the public, which shall contain copies of all grants or denials of FOIA requests, appeals, and appeal decisions by the Executive Director. * * *

■ 9. Amend § 1631.9, by revising paragraph (b)(5) to read as follows:

§ 1631.9 Responses—form and content.

* * * * *

(b)* * *

(5) A statement that the denial may be appealed to the Executive Director within 30 calendar days of receipt of the denial or partial denial.

* * * * *

■ 10. Revise § 1631.10 to read as follows:

§ 1631.10 Appeals to the Executive Director from initial denials.

(a) When the FOIA Officer has denied a request for expedited processing or a request for records, in whole or in part, the person making the request may, within 30 calendar days of receipt of the response of the FOIA Officer, appeal the denial to the Executive Director. The appeal must be in writing, addressed to the Executive Director, Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002, and be clearly labeled as a ''Freedom of Information Act Appeal.''

(b)(1) The Executive Director will act upon the appeal of a denial of a request for expedited processing within 5 work days of its receipt.

(2) The Executive Director will act upon the appeal of a denial of a request for records within 20 work days of its receipt.

(c) The Executive Director will decide the appeal in writing and mail the decision to the requester.

(d) If the appeal concerns an expedited processing request and the decision is in favor of the person making the request, the Executive Director will order that the request be processed on an expedited basis. If the decision concerning a request for records is in favor of the requester, the Executive Director will order that the subject records be promptly made available to the person making the request.

(e) If the appeal of a request for expedited processing of records is denied, in whole or in part, the Executive Director's decision will set forth the basis for the decision. If the appeal of a request for records is denied, in whole or in part, the Executive Director's decision will set forth the exemption relied on and a brief explanation of how the exemption applies to the records withheld and the reasons for asserting it, if different from the reasons described by the FOIA Officer under § 1631.9. The denial of a request for records will state that the person making the request may, if dissatisfied with the decision on appeal, file a civil action in Federal court. (A Federal court does not have jurisdiction to review a denial of a request for expedited processing after the Board has provided a complete response to the request.)

(f) No personal appearance, oral argument, or hearing will ordinarily be permitted in connection with an appeal of a request for expedited processing or an appeal for records.

(g) On appeal of a request concerning records, the Executive Director may reduce any fees previously assessed.

[FR Doc. 2014–08967 Filed 4–21–14; 8:45 am]

BILLING CODE 6760–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 52

[NRC–2008–0332, NRC–2012–0041, NRC–2012–0042, NRC–2012–0043]

RIN 3150–AH42

Performance-Based Emergency Core Cooling Systems Cladding Acceptance Criteria

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On March 24, 2014, the U.S. Nuclear Regulatory Commission (NRC) published for public comment a proposed rule revising the acceptance criteria for the emergency core cooling system (ECCS) for light-water nuclear power reactors. The NRC is also seeking public comment on three draft regulatory guides that would support the implementation of the proposed rule. The public comment period for the proposed rule and associated draft guidance was to have ended on June 9, 2014. The public comment period for information collection aspects of this rule was to have ended on April 23, 2014. Due to requests from members of the public, the NRC has extended the comment periods for the proposed rule, the associated draft guidance, and the information collection aspects until August 21, 2014.

DATES: The comment periods for the proposed rule, the associated draft guidance, and the information collection aspects (79 FR 16106; March 24, 2014) have been extended and now end on August 21, 2014.

ADDRESSES:

Proposed rule. You may submit comments by any of the following methods. Please include Docket ID NRC–2008–0332 in the subject line of your comment.

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0332. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland, 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

Draft Regulatory Guides. There are three draft regulatory guides (DGs) related to the proposed rule: (1) DG–1261, ''Conducting Periodic Testing for Breakaway Oxidation Behavior;'' (2) DG–1262, ''Testing for Post Quench Ductility;'' and (3) DG–1263, ''Establishing Analytical Limits for Zirconium Based Alloy Cladding.'' You may submit comments on the DGs by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket IDs NRC–2012–0041, NRC–2012–0042, and NRC–2012–0043, respectively.
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, Office of Administration, Mail Stop: 3WFN–06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Information Collections. You may submit comments on the information collections contained in the proposed rule to the FOIA, Privacy, and Information Collections Branch (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by email to *INFOCOLLECTS.RESOURCE@NRC.GOV* and to the Desk Officer, Danielle Jones, Office of Information and Regulatory Affairs, NEOB–10202, (3150–0011), Office of Management and Budget, Washington, DC 20503. Comments can also be emailed to *Danielle_Y_Jones@omb.eop.gov* or submitted by telephone at 202–395–1741. Please note that the OMB desk officer information has changed from that provided in the March 24, 2014, proposed rule.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tara Inverso, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1024, email: *Tara.Inverso@nrc.gov,* or Paul M. Clifford, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–4043, email: *Paul.Clifford@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2008–0332 when contacting the NRC about the availability of information for the proposed rule. You may access publicly-available information related to the proposed rule by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0332.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession numbers for the three DGs related to the proposed rule are: (1) ML12284A324 (DG–1261, ''Conducting Periodic Testing for Breakaway Oxidation Behavior''); (2) ML12284A325 (DG–1262, ''Testing for Post Quench Ductility''); and (3) ML12284A323 (DG–1263, ''Establishing Analytical Limits for Zirconium Based Alloy Cladding'').
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

On March 24, 2014, the NRC published a proposed rule revising the acceptance criteria for the ECCS for light-water nuclear power reactors (79 FR 16106). The proposed ECCS acceptance criteria are performance-based, and reflect recent research findings that identified new embrittlement mechanisms for fuel rods with zirconium alloy cladding under loss-of-coolant accident conditions. The proposed rule also addresses two petitions for rulemaking by establishing requirements applicable to all fuel types and cladding materials, and requiring the consideration of crud, oxide deposits, and hydrogen content in zirconium-based alloy fuel cladding. Further, the proposed rule contains a provision that would allow licensees to use an alternative risk-informed approach to evaluate the effects of debris for long-term cooling. The NRC is also seeking public comment on three draft regulatory guides that would support the implementation of the proposed rule.

The public comment period for the proposed rule and associated draft guidance was to have ended on June 9, 2014. The public comment period for information collection aspects of this rule was to have ended on April 23, 2014. Due to requests from members of the public, the NRC has extended the comment periods for the proposed rule, the associated draft guidance, and the information collection aspects until August 21, 2014.

Dated at Rockville, Maryland, this 16th day of April 2014.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2014–09159 Filed 4–21–14; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0154; Airspace Docket No. 14–ACE–1]

Proposed Establishment of Class E Airspace; Steele, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Steele, MO. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAP) at Steele Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport.

DATES: Comments must be received on or before June 6, 2014.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2014–0154/Airspace Docket No. 14–ACE–1, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817–321–7654.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2014–0154/Airspace Docket No. 14–ACE–1.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 7-mile radius of Steele Municipal Airport, Steele, MO, to accommodate new standard instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9X, dated August 7, 2013 and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish controlled airspace at Steele Municipal Airport, Steele, MO.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013 and effective September 15, 2013, is amended as follows:

Paragraph 6005: Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE MO E5 Steele, MO [New]

Steele Municipal Airport, MO

(Lat. 36°05′44″ N., long. 089°51′34″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Steele Municipal Airport.

Issued in Fort Worth, TX, on April 9, 2014.

Kent M. Wheeler,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2014–09158 Filed 4–21–14; 8:45 am]

BILLING CODE 4901–14–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0224; Airspace Docket No. 13–ACE–15]

Proposed Establishment of Class E Airspace; Memphis, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Memphis, MO. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAP) at Memphis Memorial Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport.

DATES: Comments must be received on or before June 6, 2014.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2014–0224/Airspace Docket No. 13–ACE–15, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817–321–7654.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2014–0224/Airspace Docket No. 13–ACE–15.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Memphis Memorial Airport, Memphis, MO, to accommodate new standard instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9X, dated August 7, 2013 and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish controlled airspace at Memphis Memorial Airport, Memphis, MO.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013 and effective September 15, 2013, is amended as follows:

Paragraph 6005: Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE MO E5 Memphis, MO [New]

Memphis Memorial Airport, MO

(Lat. 40°26′50″ N., long. 92°13′37″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Memphis Memorial Airport.

Issued in Fort Worth, TX, on April 7, 2014.

Kent M. Wheeler,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2014–09157 Filed 4–21–14; 8:45 am]

BILLING CODE 4901–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2013–0293]

RIN 1625–AA11

Regulated Navigation Area; Slip 4 Early Action Area Superfund Site, Lower Duwamish Waterway, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a regulated navigation area (RNA) on a portion of the Lower Duwamish Waterway in Seattle, Washington. The RNA will protect the riverbed in the U.S. Environmental Protection Agency (EPA)'s Slip 4 Early Action Area (EAA). This RNA would prohibit activities that could disrupt the integrity of the engineered sediment and slope caps that have been placed within the Slip 4 EAA. These activities include vessel grounding, anchoring, dragging, trawling, spudding or other such activities that would disturb the riverbed. It will not affect transit or navigation of this area.

DATES: Comments and related material must be received by the Coast Guard on or before July 21, 2014.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LTJG Nathaniel Clinger, Waterways Management Division, Sector Puget Sound, U.S. Coast Guard; telephone (206) 217–6045, email *SectorPugetSoundWWM@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://*

www.regulations.gov, or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2013–0293] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2013–0293) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

The Coast Guard received notice from the U.S. EPA on 28 February, 2013, requesting the establishment of an RNA for Slip 4 EAA located in the Lower Duwamish Waterway Superfund Site, Seattle, Washington. This request was received as a result of the need to protect the riverbed in the Lower Duwamish Waterway (LDW) from activities that could disrupt the integrity of the engineered sediment and slope caps that have been placed within the Slip 4 EAA to isolate underlying contaminated sediments.

The LDW was added to the U.S. EPA's National Priorities List (Superfund) in September 2001 because of hazardous substance contamination in sediments. Slip 4 was subsequently identified by the EPA and the Washington Department of Ecology as EAA within the LDW, based primarily on elevated concentrations of polychlorinated biphenyls (PCBs). Slip 4 EAA cleanup activities were conducted pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), under U.S. EPA's non-time-critical removal action (NTCRA) authority. In May 2006, U.S. EPA issued an Action Memorandum containing its removal action decision for the Slip 4 EAA. The Slip 4 EAA removal action was conducted by the City of Seattle (City) under an administrative settlement agreement and order on consent (ASAOC), CERCLA Docket No. 10–2006–0364.

The selected removal action required dredging, excavation, and offsite disposal of 17,202 tons of contaminated sediment, shoreline, soil, and creosote-treated timber piles and other debris, and placement of engineered sediment and slope caps throughout the EAA (approximately 3.43 acres) to isolate residual sediment contamination within the EAA. In addition, the removal action included demolition and removal/recycling of a portion of an aging concrete pier and supporting piling on the northwest bank of the slip, and creation of two intertidal beach areas and other shallow-water areas to improve habitat conditions in the slip. Construction activities were initiated in October 2011 and completed in February 2012. A Removal Action Completion Report documenting the cleanup activities was completed and approved by the U.S. EPA in July 2012.

C. Basis and Purpose

Coast Guard District Commanders are granted authority under 33 CFR 165.11 to regulate vessel traffic in areas with hazardous conditions. This rule is necessary to prevent disturbance of the Slip 4 EAA sediment and slope caps. Disruption of the caps may result in a hazardous condition and harm to the marine environment. As such, this RNA is necessary to protect the caps and will do so by prohibiting maritime activities that could disturb or damage them. This RNA is similar to RNAs which protect other caps in the area. Enforcement of this RNA will be managed by Coast Guard Sector Puget Sound assets including Vessel Traffic Service Puget Sound through radar and closed circuit television sensors. The Captain of the Port Puget Sound may also be assisted by other state, local, or government agencies in the enforcement of this rule.

D. Discussion of Proposed Rule

The Coast Guard proposes to establish a permanent RNA in the LDW to protect the sediment and slope caps in the Slip 4 EAA, Superfund Site (EPA ID No. WA0002329803). It would do so by restricting anchoring, dragging, trawling, spudding or other activities that could disrupt the integrity of the caps and the underlying contaminated sediments located in the proposed RNA.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. This expectation is based on the fact that the RNA established by the rule would encompass a small area that should not impact commercial or recreational traffic, and the prohibited

activities are not routine for the designated areas.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which may be small entities: The owners or operators of vessels intending to anchor, drag, dredge, trawl, spud, or disturb the riverbed in any fashion when this rule is in effect. The RNA would not have a significant economic impact on small entities due to its minimal restrictive area and the opportunity for a waiver to be granted for any legitimate use of the riverbed.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

This proposed rule was determined to have potential tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it regulates navigation on waters subject to treaty fishing rights held by Indian Tribal Governments. The Coast Guard and EPA consulted with the Muckleshoot and Suquamish Tribes. To accommodate treaty fishing activity in usual and accustomed places, which fall within the area covered by the sediment cap, the Coast Guard included an exception for treaty fishing activity by Indian Tribes holding such fishing rights.

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a regulated navigation area which prevents activities which would disturb the riverbed within the areas outlined in this regulation. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195;

33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T13–246 to read as follows:

§ 165.T13–246 Regulated Navigation Area; Slip 4 Early Action Area Superfund Site, Lower Duwamish Waterway, Seattle, WA.

(a) *Regulated Areas.* The following areas are regulated navigation areas: All waters within the northern portion of Slip 4 bounded by the shoreline and the southern boundary of the EAA defined as the line beginning at a point on the shore at 47°32′08.47″ N, 122°19′12.00″ W; thence southeast to a point on the shoreline at 47°32′07.02″ N, 122°19′09.23″ W [Datum: NAD 1983/91].

(b) *Regulations.* (1) All vessels and persons are prohibited from grounding, anchoring, dragging, trawling, spudding, or otherwise contacting the riverbed within the designated regulated navigation area. Vessels may otherwise transit or navigate within this area in accordance with the Navigation Rules.

(2) The prohibition described in paragraph (b)(1) of this section does not apply to vessels or persons engaged in activities associated with remediation efforts in the superfund sites, provided that the Captain of the Port, Puget Sound (COTP), is given advance notice of those activities by the EPA.

(3) The prohibition described in paragraph (b) (1) of this section does not apply to vessels or person engaged in fishing activities pursuant to fishing rights held by treaty with the United States.

(c) *Waivers.* Upon written request stating the need and proposed conditions of the waiver, and any proposed precautionary measures, the COTP may authorize a waiver from this section if the COTP determines that the activity for which the waiver is sought can take place without undue risk to the remediation efforts described in paragraph (b)(1) of this section. The COTP will consult with EPA in making this determination when necessary and practicable.

Dated: February 26, 2014.

R.T. Gromlich,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 2014–07834 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0211]

RIN 1625–AA00

Safety Zones, Charleston Sharkfest Swim; Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary moving safety zone on the waters of Charleston Harbor, in Charleston, South Carolina during the Charleston Sharkfest Swim on Sunday, August 31, 2014 from 8:30 a.m. to 9:30 a.m. The Charleston Sharkfest Swim is a 1850 meter swimming race. The safety zone is necessary for the safety of the swimmers, participant vessels, spectators, and the general public during the swim. Persons and vessels will be prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before May 22, 2014. Requests for public meetings must be received by the Coast Guard on or before April 25, 2014.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Warrant Officer Christopher Ruleman, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email *Christopher.L.Ruleman@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2014–0211 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2014–0211 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Basis and Purpose

The legal basis for the proposed rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 33 U.S.C. 1225; 33 CFR 1.05–1, 6.04–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of the proposed rule is to ensure the safety of the swimmers, participant vessels, spectators, and the general public during the Charleston Sharkfest Swim.

C. Discussion of Proposed Rule

On Sunday, August 31, 2014, the Charleston Sharkfest Swim is scheduled to take place in Charleston Harbor, in Charleston, South Carolina. The Charleston Sharkfest Swim will consist of an 1850 meter swim that starts 500 yards west of Castle Pinckney in Charleston Harbor, swimming north and ending at Charleston Maritime Center, Charleston, SC.

The proposed rule would establish temporary moving safety zones of 50 yards in front of the lead safety vessel preceding the first race participant, 50 yards behind the safety vessel trailing the last race participants, and at all times extend 100 yards on either side of safety vessels. The temporary safety zones would be enforced from 8 a.m. until 10 a.m. on August 31, 2014.

Persons and vessels would be prohibited from entering or transiting through the safety zones unless authorized by the Captain of the Port Charleston or a designated representative. Persons and vessels would be able to request authorization to enter or transit through the safety zones by contacting the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this proposed rule is not significant for the following reasons: (1) The safety zones would only be enforced for a total of two hours; (2) the safety zones would move with the participant vessels so that once the swimmers clear a portion of the waterway, the safety zones would no longer be enforced in that portion of the waterway; (3) although persons and vessels would not be able to enter or transit through the safety zones without authorization from the Captain of the Port Charleston or a designated representative, they would be able to operate in the surrounding area during the enforcement period; (4) persons and vessels would still be able to enter or transit through the safety zones if authorized by the Captain of the Port Charleston or a designated representative; and (5) the Coast Guard would provide advance notification of the safety zones to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of the Charleston Harbor, in Charleston, South Carolina encompassed within the safety zones from 8 a.m. until 10 a.m. on August 31, 2014. For the reasons discussed in the Regulatory Planning and Review section above, this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. This proposed rule involves establishing temporary moving safety zones as described in figure 2–1, paragraph (34)(g), of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 33 U.S.C. 1225; 33 CFR 1.05–1, 6.04–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0211 to read as follows:

§ 165.T07–0211 Safety Zones; Charleston Sharkfest Swim, Charleston, SC.

(a) *Regulated Areas.* The following regulated area is a moving safety zone: All waters 50 yards in front of the lead safety vessel preceding the first race participants, 50 yards behind the safety vessel trailing the last race participants, and at all times extend 100 yards on either side of safety vessels. The Charleston Sharkfest Swim will consist of an 1850 meter swim that starts 500 yards west of Castle Pinckney in Charleston Harbor, swimming north and ending at Charleston Maritime Center, Charleston, SC.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering or transiting through the regulated areas unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter or transit through the regulated areas may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter or transit through the regulated areas is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective Date.* This rule is effective on August 31, 2014 and will enforced from 8 a.m. until 10 a.m.

Dated: April 7, 2014.

R.R. Rodriguez,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2014–09050 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0160]

RIN 1625–AA00

Safety Zones, Swim Around Charleston; Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary moving safety zones during the Swim Around Charleston, a swimming race occurring on the Wando River, the Cooper River, Charleston Harbor, and the Ashley River, in Charleston, South Carolina. The Swim Around Charleston is scheduled on Sunday, September 21, 2014. The temporary moving safety zone is necessary to protect swimmers, participant vessels, spectators, and the general public during the event. Persons and vessels would be prohibited from entering the safety zones unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before May 22, 2014. Requests for public meetings must be received by the Coast Guard on or before August 1, 2014.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Warrant Officer Christopher Ruleman, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email *Christopher.L.Ruleman@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2014–0160 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2014–0160 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Basis and Purpose

The legal basis for the proposed rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1226, 1231; 33 CFR 1.05–1(g), and 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of the proposed rule is to ensure the safety of the swimmers, participant vessels, spectators, and the general public during the Swim Around Charleston.

C. Discussion of Proposed Rule

On Sunday, September 21, 2014, the Swim Around Charleston is scheduled to take place on the Wando River, the Cooper River, Charleston Harbor, and the Ashley River, in Charleston, South Carolina. The Swim Around Charleston will consist of a 12 mile swim that starts at Remley's Point on the Wando River, crosses the main shipping channel of Charleston Harbor, and finishes at the I–526 bridge and boat landing on the Ashley River.

The proposed rule would establish temporary moving safety zones of 50 yards in front of the lead safety vessel preceding the first race participant, 50 yards behind the safety vessel trailing the last race participants, and at all times extend 100 yards on either side of the race participants and safety vessels. The temporary moving safety zone would be enforced from 11:30 a.m. until 6:30 p.m. on September 21, 2014.

Persons and vessels would be prohibited from entering or transiting through the safety zones unless authorized by the Captain of the Port Charleston or a designated representative. Persons and vessels would be able to request authorization to enter or transit through the safety zones by contacting the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this proposed rule is not significant for the following reasons: (1) The safety zones would only be enforced for a total of seven hours; (2) the safety zones would move with the participant vessels so that once the swimmers clear a portion of the waterway, the safety zones would no longer be enforced in that portion of the waterway; (3) although persons and vessels would not be able to enter or transit through the safety zones without authorization from the Captain of the Port Charleston or a designated representative, they would be able to operate in the surrounding area during the enforcement period; (4) persons and vessels would still be able to enter or transit through the safety zones if authorized by the Captain of the Port Charleston or a designated representative; and (5) the Coast Guard would provide advance notification of the safety zones to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of the Wando River, the Cooper River, Charleston Harbor, and the Ashley River in Charleston, South Carolina encompassed within the safety zones from 11:30 a.m. until 6:30 p.m. on Sunday, September 21, 2014. For the reasons discussed in the Regulatory Planning and Review section above, this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an

environmental risk to health or risk to safety that might disproportionately affect children.

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves establishing temporary moving safety zones on waters of the Wando River, Cooper River, Charleston Harbor, and Ashley River, in Charleston, South Carolina during the Swim Around Charleston event on Sunday, September 21, 2014. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative. This proposed rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A prior environmental analysis checklist and a Categorical Exclusion Determination were completed for a regulation (USCG–2013–0322) issued for a same event in 2013. The previously completed environmental analysis checklist and Categorical Exclusion Determination can be found in the docket folder for USCG–2013–0322 at *www.regulations.gov*. Because this proposed rule is substantially unchanged from the regulation issued when the prior determination was made and there have been no new developments relevant to that determination, we have not completed a new environmental analysis checklist and Categorical Exclusion Determination for this proposed rule. We have made a preliminary determination this proposed rule will not have any of the following: Significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any federal, state, or local laws or administrative determinations relating to the environment. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 33 CFR 1.05–1(g), and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0160 to read as follows:

§ 165.T07–0160 Safety Zones; Swim Around Charleston, Charleston, SC.

(a) *Regulated Areas.* The following regulated area is a moving safety zone: All waters 50 yards in front of the lead safety vessel preceding the first race participants, 50 yards behind the safety vessel trailing the last race participants, and at all times extend 100 yards on either side of the race participants and safety vessels. The Swim Around Charleston swimming race consists of a 12 mile course that starts at Remley's Point on the Wando River in approximate position 32°48′49″ N, 79°54′27″ W, crosses the main shipping channel of Charleston Harbor, and finishes at the I–526 bridge and boat landing on the Ashley River in approximate position 32°50′14″ N, 80°01′23″ W. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering or transiting through the regulated areas unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter or transit through the regulated areas may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter or transit through the regulated areas is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective Date.* This rule is effective on Sunday, September 21, 2014. This rule will be enforced from 11:30 a.m. until 6:30 p.m. on Sunday, September 21, 2014.

Dated: April 2, 2014.

R.R. Rodriguez,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2014–09057 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 382

[Docket No. FMCSA–2011–0031]

RIN 2126–AB18

Commercial Driver's License Drug and Alcohol Clearinghouse

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: FMCSA extends the public comment period for the Agency's February 20, 2014, notice of proposed

rulemaking (NPRM) concerning the establishment of a Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse). On April 15, the Owner-Operator Independent Drivers Association, Inc. (OOIDA) petitioned the Agency for a 60-day extension of the comment period. The Agency extends the April 21, 2014, deadline for the submission of public comments to May 21, 2014.

DATES: FMCSA is extending the comment period for the proposed rulemaking published on February 20, 2014 (79 FR 9703). You must submit comments by May 21, 2014.

ADDRESSES: You may submit comments, identified by docket number FMCSA–2011–0031 or RIN 2126–AB18, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. *See* the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Juan Jose Moya, Office of Enforcement Compliance, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, by telephone at (202) 366–4844 or via email at *fmcsadrugandalcohol@dot.gov*. FMCSA office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you have questions on viewing or submitting material to the docket, contact Barbara Hairston, Acting Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate in this rulemaking by submitting comments, data, and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal and/or copyrighted information you provide.

A. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2011–0031'' and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

B. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, and to submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2011–0031'' and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

C. Privacy Act

Anyone is able to search the electronic form for 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 the USDOT Privacy Act system of records notice for the DOT Federal Docket Management System (FDMS) in the **Federal Register** published on December 29, 2010 (75 FR 82132) at *http://www.gpo.gov/fdsys/pkg/FR-2010-12-29/pdf/2010-32876.pdf*.

II. Background

On February 20, 2014 (79 FR 9703), FMCSA published a notice of proposed rulemaking to establish the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database under the Agency's administration that would contain controlled substances (drug) and alcohol test result information for the holders of commercial driver's licenses (CDLs). The proposed rule would require FMCSA-regulated motor carrier employers, Medical Review Officers (MROs), Substance Abuse Professionals (SAPs), and consortia/third party administrators (C/TPAs) supporting U.S. Department of Transportation (DOT) testing programs to report verified positive, adulterated, and substituted drug test results, positive alcohol test results, test refusals, negative return-to-duty test results, and information on follow-up testing. The proposed rule would also require employers to report actual knowledge of traffic citations for driving a commercial motor vehicle (CMV) while under the influence (DUI) of alcohol or drugs. The proposed rule would establish the terms of access to the database, including the conditions under which information would be submitted, accessed, maintained, updated, removed, and released to prospective employers, current employers, and other authorized entities. Finally, it would require laboratories that provide FMCSA-regulated motor carrier employers with DOT drug testing services to report, annual, summary information about their testing activities. This rule is mandated by Section 32402 of the Moving Ahead for Progress in the 21st Century Act.

On April 15, 2014, OOIDA petitioned the Agency for a 60-day extension of the comment period for the NPRM. A copy of the OOIDA petition is included in the docket file referenced at the beginning of this document.

The FMCSA acknowledges OOIDA's concerns. After reviewing the request, FMCSA has decided to grant a 30-day extension, to May 21, 2014, to provide all interested parties additional time to submit comments on this rulemaking.

Issued on: April 17, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–09143 Filed 4–17–14; 4:15 pm]

BILLING CODE 4910–EX–P

Notices

Federal Register

Vol. 79, No. 77

Tuesday, April 22, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 16, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 22, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal Plant and Health Inspection Service

Title: Environmental Monitoring Form.

OMB Control Number: 0579–0117.

Summary of Collection: The mission of the Animal and Plant Health Inspection Service (APHIS) is to provide leadership in ensuring the health and care of animals and plants, to improve the agricultural productivity and competitiveness, and to contribute to the national economy and the public health. The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq, and the regulations of the Council on Environmental Quality, that implements the procedural aspects of NEPA (40 CFR 1500–1508). APHIS' regulations require APHIS to implement environmental monitoring for certain activities conducted for pest and disease, control and eradication programs. APHIS Form 2060, Environmental Monitoring Form, will be used to collect information concerning the effects of pesticide used in sensitive habitats.

Need and Use of the Information: APHIS will collect information on the number of collected samples, description of the samples, the environmental conditions at the collection site including wind speed and direction, temperature, humidity of rainfall, and topography. The supporting information contained on the APHIS form 2060 is vital for interpreting the laboratory tests APHIS conducts on its collected samples. If a sample was not accompanied by this form APHIS would have no way of knowing from which site the sample was taken. Failure to collect this information would prevent APHIS from actively monitoring the effects of pesticides in areas where the inappropriate use of these chemicals could eventually produce disastrous results for vulnerable habitats and species.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 110.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,100.

Animal and Plant Health Inspection Service

Title: Citrus Canker; Interstate Movement of Regulated Nursery Stock and Fruit from Quarantined Areas.

OMB Control Number: 0579–0317.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*) the Secretary of Agriculture, either independently or in cooperation with the States, is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests (such as citrus canker) new to or widely distributed throughout the United States. The Animal and Plant Health Inspection Service (APHIS) has regulations in place to prevent the interstate spread of citrus canker. These regulations, contained in 7 CFR 301.75–1 through 301.75–17, restrict the interstate movement of regulated articles from and through areas quarantined because of citrus canker. APHIS' citrus canker quarantine regulations prohibit the interstate movement of regulated nursery stock from a quarantined area. The interstate movement of nursery stock from an area quarantined for citrus canker poses an extremely high risk of spreading citrus canker outside the quarantined area.

Need and Use of the Information: APHIS will collect information through compliance agreements and limited permits. Failure to collect this information could cause a severe economic loss to the citrus industry.

Description of Respondents: Business or other for-profit.

Number of Respondents: 371.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,943.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–09087 Filed 4–21–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 16, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for

review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received by May 22, 2014. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business-Cooperative Service

Title: Value-Added Producer Grants Program.

OMB Control Number: 0570–0064.

Summary of Collection: The Cooperative Programs unit within Rural Business-Cooperative Service (RBS) an agency within the USDA Rural Development mission area will administer the Value-Added Producer Grants (VAPG) Program. The Program is authorized under section 231 of the Agriculture Risk Protection Act of 2000 (Public law 106–224) as amended by section 6202 of the Food, Conservation, and Energy Act of 2008 (P.L. 110–246). The objective of this program is to encourage producers of agricultural commodities and products of agricultural commodities to further refine these products increasing their value to end users of the product. These grants will be used for two purposes: (1) To fund feasibility studies, marketing and business plans, and similar development activities; and (2) to use the grant as part of the venture's working capital expenses such as inventory, utilities and salaries.

Need and Use of the Information: Rural Development State and Area office staff, as delegated, will collect information from applicants and grantees. RBS will use the information collected by to determine (1) eligibility; (2) the specific purpose for which the funds will be utilized; (3) time frames or dates by which activities are to be accomplished; (4) feasibility of the project; (5) applicants' experience in managing similar activities; and (6) the effectiveness and innovation used to address critical issues vital to value-added ventures development and sustainability. Without this information, there would be no basis on which to award funds.

Description of Respondents: Business or other for-profit; Individuals.

Number of Respondents: 350.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Monthly; Semi-annually; Annually.

Total Burden Hours: 37,415.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–09089 Filed 4–21–14; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 16, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Office of Procurement and Property Management

Title: Voluntary Labeling Program for Biobased Products.

OMB Control Number: 0503–0020.

Summary of Collection: Section 9002 of the Farm Security and Rural Investment Act (FSRIA) of 2002, as amended by the Food, Conservation, and Energy Act (FCEA) of 2008 and the Agricultural Act of 2014, requires the Secretary of Agriculture to implement a voluntary labeling program that would enable qualifying biobased products to be labeled with a ''USDA Certified Biobased Product'' label. The labeling program is required to be consistent, where possible, with the guidelines implementing the preferred procurement of biobased products by Federal agencies (referred to hereafter as the preferred procurement program), which is also authorized under section 9002 of FSRIA. Under the preferred procurement program, Federal agencies are required to purchase with certain exceptions, biobased products that are identified, by rulemaking, for preferred procurement. The BioPreferred Program is implemented by USDA's Office of Procurement and Property Management (OPPM).

Need and Use of the Information: Under the voluntary labeling program, manufacturers and vendors must complete an application for each biobased product for which they wish to use the label. The application process is electronic and is accessible through the voluntary labeling program Web site. In

addition manufacturers and vendors whose applications have been conditionally approved must provide to OPPM certain information for posting by OPPM on the voluntary labeling program Web site. For each product approved by the Agency for use of the label, the manufacturer or vendor must keep that information for each certified product up-to-date. Failure to require manufacturers and vendors to provide up-to-date information on each certified product to OPPM for posting on the voluntary labeling program Web site could result in purchasers making poor purchase decisions and in inefficiencies in making purchasing decisions.

Description of Respondents: Business or other for-profit.

Number of Respondents: 300.

Frequency of Responses: Reporting: Other (once).

Total Burden Hours: 3,600.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–09088 Filed 4–21–14; 8:45 am]

BILLING CODE 3410–TX–P

DEPARTMENT OF AGRICULTURE

Forest Service

Requests for Proposals: 2014 Statewide Wood Energy Teams Cooperative Agreement; and 2014 Wood to Energy Grant

AGENCY: U.S. Forest Service, USDA.

ACTION: Request for proposals.

SUMMARY: The U.S. Forest Service requests proposals for the following two separate funding opportunities that are being announced at the same time for administrative efficiency, but have separate and unique application criteria, requirements, and review processes:

(A) 2014 Statewide Wood Energy Teams (SWET) Cooperative Agreement, and

(B) 2014 Hazardous Fuel Wood to Energy (W2E) Grant.

The outcomes anticipated under these two separate funding mechanisms will advance the United States Department of Agriculture (USDA)'s initiative to expand wood energy use that supports forest management. These two funding opportunities enhance each other and collectively create opportunities for wood energy projects to access other USDA Rural Development programs. The SWET cooperative agreement helps communities do initial planning, educational outreach, and preliminary assessments to identify promising wood energy opportunities, whereas the W2E grant funds the design and other pre-construction needs for specific wood energy projects. Both of these funding programs promote use of woody biomass from National Forest System lands and place more emphasis this year on encouraging clustering of projects that improve efficiencies and economies of scale. The requirements for the cooperative agreement and grant applications are presented separately after the **FOR FURTHER INFORMATION CONTACT** section of this announcement. In the rare case that an applicant qualifies and would like to apply for both the cooperative agreement and grant, then the applicant must submit separate application packages according to the requirements for each funding opportunity.

DATES: Tuesday, May 20, 2014 at 11:59 p.m., is the application deadline for the SWET cooperative agreement. Tuesday, June 3, 2014 at 11:59 p.m., is the application deadline for the W2E grant.

Pre-Application Informational Webinar: The U.S. Forest Service will hold an informational Webinar on May 1, 2014 at 1:00 p.m. for SWET and 3:00 p.m. for W2E (both eastern time) to present these two funding opportunities and answer questions.

ADDRESSES: All applications must be submitted via email to the respective Forest Service Regional Biomass Coordinators listed below. These coordinators will be the point of contact for application submittals and final awards.

Forest Service Region 1, (MT, ND, Northern ID, & Northwestern SD), ATTN: Angela Farr, USDA Forest Service, Northern Region (R1), Federal Building, 200 East Broadway, Missoula, MT 59807, *afarr@fs.fed.us,* (406) 329–3521.

Forest Service Region 3 (AZ & NM), ATTN: Dennis Dwyer, USDA Forest Service, Southwestern Region (R3), 333 Broadway Blvd, SE, Albuquerque, NM 87102, *ddwyer@fs.fed.us,* (505) 842–3480.

Forest Service Region 5 (CA, HI, Guam, and Trust Territories of the Pacific Islands), ATTN: Larry Swan, USDA Forest Service, Pacific Southwest Region (R5), 1323 Club Drive, Vallejo, CA 95492–1110, *lswan01@fs.fed.us,* (707) 562–8917.

Forest Service Region 8 (AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, VA, Virgin Islands, & Puerto Rico), ATTN: Dan Len, USDA Forest Service, Southern Region (R8), 1720 Peachtree Rd NW, Atlanta, GA 30309, *dlen@fs.fed.us,* (404) 347–4034.

Forest Service Region 10 (Alaska), ATTN: Daniel Parrent, USDA Forest Service, Alaska Region (R10), 161 East 1st Avenue, Door 8, Anchorage, AK 99501, *djparrent@fs.fed.us,* (907) 743–9467.

Forest Service Region 2 (CO, KS, NE, SD, & WY), ATTN: Mike Eckhoff, USDA Forest Service, Rocky Mountain Region (R2), 740 Simms St, Golden, CO 80401–4702, *mike.eckhoff@colostate.edu,* (970) 219–2140.

Forest Service Region 4 (Southern ID, NV, UT, & Western WY), ATTN: Scott Bell, USDA Forest Service, Intermountain Region (R4), Federal Building, 324 25th St, Ogden, UT 84401, *sbell@fs.fed.us,* (801) 625–5259.

Forest Service Region 6, (OR & WA), ATTN: Ron Saranich, USDA Forest Service, Pacific Northwest Region (R6), 1220 SW 3rd Ave, Portland, OR 97204, *rsaranich@fs.fed.us,* (503) 808–2346.

Forest Service Region 9/Northeastern Area, (CT, DL, IL, IN, IA, ME, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VT, WV, WI), ATTN: Lew McCreery, USDA Forest Service, Northeastern Area—S&PF, 180 Canfield St, Morgantown, WV 26505, *lmccreery@fs.fed.us,* (304) 285–1538.

FOR FURTHER INFORMATION CONTACT: Please direct questions regarding this announcement to the appropriate Forest Service Regional Biomass Coordinator listed in the table above or contact Ed Cesa (*ecesa@fs.fed.us* or 304–285–1530) or Steve Milauskas (*smilauskas@fs.fed.us* or 304–487–1510) at the Wood Education and Resource Center (WERC) in Princeton, WV. Information regarding what to include in the application, eligibility, and necessary prerequisites for consideration are available at *www.na.fs.fed.us/werc* and *www.grants.gov.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 24 hours a day, every day of the year, including holidays.

(A) 2014 Statewide Wood Energy Teams Cooperative Agreement

Summary

The U.S. Forest Service is providing leadership and funding on behalf of a USDA multi-agency Wood to Energy Initiative by offering this request for proposals to support collaborative statewide wood energy teams that advance the installation of commercially viable wood energy systems in the public and private sectors that use woody biomass generated from National Forest System lands and other land ownerships. Public-private statewide teams are invited to seek funding to support the development of geographic and/or sector-based clusters of wood energy projects. Activities may include, but are not limited to: (a) Workshops and assistance that provide technical, financial, and environmental information; (b) preliminary engineering assessments; and (c) community outreach needed to support development of wood energy projects in the public and private sectors. Only proposals for work planned in States that have National Forest System lands will be considered.

DATES: Application deadline is Tuesday, May 20, 2014 at 11:59 p.m.

SUPPLEMENTARY INFORMATION: The agreements awarded pursuant to this announcement may support one or more goals of Public Law 110–234, *Food, Conservation, and Energy Act of 2008, Rural Revitalization Technologies (7 U.S.C. 6601); Consolidated Appropriations Act of 2014;* and the nationwide challenge of disposing of woody residues from hazardous fuel treatments, other forest management treatments, and manufacturing residuals while expanding renewable energy opportunities in rural areas and markets for ecosystem restoration projects.

Goals of the program are to:

- Promote commercially proven wood energy systems that use woody biomass from National Forest System lands.
- Expand markets that convert woody biomass into energy to support wildfire mitigation, forest restoration, and other forest management goals. Market expansion may include the development of a woody biomass fuel supply, such as fuel pellets and other modified wood fuel products.
- Develop a systematic approach to installing wood energy systems that will support clusters of projects or larger projects that improve the viability of businesses that harvest, process, and deliver wood fuels.
- Support the development or expansion of statewide wood energy teams that provide technical, financial, and environmental information required for developing wood energy projects to reduce the use of fossil fuels, including, but not limited to:
  - Prefeasibility and preliminary engineering assessments.
  - Education and outreach to support the installation of commercially available wood energy systems in the public and private sectors.
  - Innovative approaches to manage and finance wood energy project development.

Cooperative Agreement Requirements

1. Eligibility Information

a. *Eligible Applicants.* Eligible applicants are State, local, and Tribal governments; nonprofit organizations; or public utilities districts. Applicants may be either or both of the fiscal and administrative agents for the funding.

b. *Cost Sharing (Matching Requirement).* Applicants must demonstrate at least a 1:1 non-Federal match of the amount received through the Cooperative Agreement. The match amount can be either cash or in-kind contributions. For example, if the Forest Service provides $250,000 through the Cooperative Agreement, $200,000 could be provided in cash and $50,000 could be provided by in-kind contributions from *non-Federal partners.* In-kind salary contributions from Federal partners in the statewide teams do not qualify as a match.

2. Award Information

Total funding anticipated for awards is approximately $1.7 million for the 2014 Statewide Wood Energy Teams. Individual Cooperative Agreements will not exceed $250,000. No legal obligation on the part of the Federal government will be incurred until appropriated funds are available and committed in writing through a cooperative agreement award letter issued by a Forest Service grant officer to a successful applicant. Cooperative Agreements exist for 3 to 5 years from the date of award. Written performance reports and financial reports will be required and submitted to the appropriate office as described in the final Cooperative Agreement. Ten percent of funding will be held by the administrator of the Cooperative Agreement until final reporting is completed. Cooperative Agreements require Forest Service personnel to have substantial involvement in projects.

3. Application Requirements

This program requires that teams have had prior working experience or demonstrate capacity to form and develop effective working teams immediately upon award of funding. The following are key elements that applicants will need to include in their application submission:

a. Applicants must include a list of each team member; the agencies, organizations, businesses, or interests the team member represents; and why this particular team composition will enable successful implementation of the proposed work plan. Evidence of outreach or description of what has been done to date to incorporate participation from underserved communities must be described. Letters of commitment from individual members or institutions to participate as part of the team should be included in an appendix.

b. Applicants must explain how and why the team was begun and its accomplishments to date. Applicants must describe team management structure and which individuals fill which roles. Proposed teams should describe prior working relationships and accomplishments as a team or demonstrate their capacity to function as an effective team. If a formal strategic or organizational plan exists, then a summary of it can be included in the appendix. In addition, there should be evidence of prior ability to leverage resources and/or a clear plan with experienced individuals assigned that will carry out the team's plan to leverage resources, sufficient at minimum for the 1:1 match requirement.

c. Applicants must include the geographic scope of the team's work. Only proposals for work planned in States that have National Forest System lands will be considered. Most teams will operate statewide. However, if a substate-level team is proposed, the applicant must explain and justify the importance of operating at a smaller geographic scale. *Only one team per State will be funded.* Proposals that focus most of their work in the following States will not be considered because they have already received substantial SWET funding: Alaska, California, Idaho, Minnesota, and New Hampshire. Multistate proposals will be considered. An applicant can submit individual proposals for multiple States, but must have letters of support from officials in each State.

d. Applicants must include a proposed program of work for the life of the agreement, which could be for a period of 3 to 5 years. The program of work will include a statement of need and specific goals and/or objectives that articulate how the team plans to

accomplish the installation of clusters of wood energy projects or larger projects. Geographic and/or sector-based clusters (e.g. hospitals, prisons, inmate conservation camps, school campuses, poultry houses) should leverage similarities and needs of multiple projects to improve economies of scale and expand wood energy. The program of work must include expected timeframes and methods for identifying target areas, outreach to accomplish installations, engineering assessments, financing, sustainability issues, and other tasks as appropriate. This section should also identify potential challenges and uncertainties that could have a significant impact on the program of work.

e. Applicants will estimate the number of systems planned, under construction, and installed for each year and the total length of the agreement period. Systems should be commercially available with a track record of successful operation, not experimental or demonstration systems. If the team has been functioning and has some projects in process, it is appropriate to show how this agreement will facilitate completion of these projects and provide a list of the projects already underway.

4. Application Evaluation

Applications will be evaluated against the criteria discussed in Section 5. All applications will be screened to ensure compliance with the administrative requirements as set forth in this Request for Proposals (RFP). Applications not following the directions for submission will be disqualified without appeal. Directions can be found at *http://www.na.fs.fed.us/werc/* under 2014 Statewide Wood Energy Teams.

Applicants are encouraged to consult with the appropriate Forest Service Regional Biomass Coordinator to develop proposals. The nationwide competition will consist of a technical review of the proposed projects by Federal experts or their designees. Panel reviewers independently evaluate each proposal for merit and assign a score using the criteria listed in Section 5. Selected proposals will be submitted to the Forest Service national leadership, who will make the final decision on the selected proposals.

5. Evaluation Criteria and Point System

Reviewers will assign points to each proposal based on its ability to meet the following criteria. A maximum of 100 total points can be earned per proposal.

- Alignment with statewide wood energy team goals identified in the **SUPPLEMENTARY INFORMATION** of this RFP. (20 points)
- Knowledge and skills of team members and composition of teams. (20 points)
- Team management and leveraged resources. (20 points)
- Program of work, budget, and projected accomplishments. (20 points)
- Communication; outreach; and methodology for announcing, selecting, and providing project assistance. (10 points)
- Geographic and/or sector-based (e.g. campuses, hospitals, prisons, poultry houses) project clusters. (10 points)

6. Application Information

a. *Application Submission.* Applications must be submitted electronically to the individual email address for the respective Forest Service Regional Biomass Coordinator listed in the **ADDRESSES** section of this announcement by 11:59 p.m. on May 20, 2014. NO EXCEPTIONS. Paper submittals will not be accepted. If submitted through *www.grants.gov,* the application must be submitted by 11:59 p.m. on May 20, 2014. Your Forest Service Region is generally determined by the State where the majority of the proposed work will be conducted under the cooperative agreement. In a few instances, two Forest Service regions may exist in one State. Forest Service regions can be located at *http://www.fs.fed.us/maps/products/guide-national-forests09.pdf.* Consult with the respective Forest Service Regional Biomass Coordinator if you are not certain which Region would apply.

b. *Application Format and Content.* Each submittal must consist of two separate PDF (or Word) files, as follows:

1. Proposal narrative and appendices (SWET Application Part 1 & Part 2, and Appendices)
2. Financial forms (SWET Application Part 3)

Text must be no smaller than 11 point font. A normal page in an application is defined as 8.5 inches by 11 inches with at least ½-inch margins. Submit all application information at the same time. The application template and financial forms can be found at *http://www.na.fs.fed.us/werc* under 2014 Statewide Wood Energy Teams.

A complete application includes the following items:

1. SWET Project Application, Part 1: Cooperator Contact Information
2. SWET Project Application, Part 2: Narrative Proposal, Program of Work, and Required Appendices
3. SWET Project Application, Part 3: Financial Forms must include SF–424, SF–424A, SF–424B, AD–1047, AD–1049 (or AD–1052 for States and State agencies), AD–3030, and FS–1500–35 (certificate regarding lobbying activities).

A maximum of 11 pages per proposal for items #1 through #5 listed below will be accepted:

1. Qualifications and Summary Portfolio of Team Members (1.5 pages)

- Include each team member's name, affiliation, and years of experience in wood energy, including combustion technology, wood sourcing, financing, and community outreach.
- Describe outreach to underserved communities or what has been done to incorporate participation from underserved communities.
- Include a description of prior working relationships and accomplishments as a team, including Memoranda of Understanding (MOUs), charters, or other formal agreements.

2. Project Narrative (3.5 pages)

- Describe how the team will be managed and which individuals will fill which roles.
- Describe the team's experience leveraging funds and its plan to leverage funds to support the team's operation and achieve the required 1:1 match.
- Describe methods for selecting areas of focus (e.g. geographic clusters, sector-based clusters, or larger projects to be targeted), including benefits regarding potential economies of scale and increased use of woody biomass.
- Describe methods for solicitation and selection of projects.
- Include the proposed geographic area where the team will work and the number of years requested for the cooperative agreement.

3. Program of Work (3.5 pages)

- Describe statement of need and specific goals and objectives.
- Describe projected accomplishments and deliverables, including estimated number of systems planned, under construction, and installed.
- Describe communication and outreach activities that create social acceptance in communities where projects are targeted.
- Describe monitoring plan, including annual and final reports provided to the agreement administrator, which will include summaries of community outreach activities, preliminary assessments, resource inventories, success stories, etc.
- Describe timeframe for activities described.

4. Budget Summary and Justification in Support of SF–424A (2 pages)

- Address proposed expenditures in relation to the proposed program of work.
- Include cash and in-kind match, other Federal funds and staff time that may help accomplish the program of work, and fee structure for fee-for-services, if planned.

5. Project Outcomes, Annual Progress Reports, and Final Reports (0.5 pages)

- List anticipated project outcomes and accomplishments, as well as desired results.
- Describe types of reports, documents, and success stories that will be provided at the end of the project to be posted to the WERC Statewide Wood Energy Team Web site.
- Annual progress reports are required on an annual calendar year basis. The reports will provide an overview of accomplishments of the goals and objectives described in the approved cooperative agreement narrative.
- A detailed final progress report is required and should include the following items:
  - Final Summary Report—A brief overview of accomplishments of the goals and objectives described in the approved cooperative agreement narrative.
  - Final Accomplishment Report—Includes various assessments, reports, case studies, and related documents that resulted from project activities.

Final reports will be added to the WERC Statewide Wood Energy Team Web site.

7. Appendices

The following information must be included in appendices:

a. *Letters of Commitment from Team Members or Institutions:* Letters of commitment must be included in an appendix and are intended to display willingness to participate on the wood energy team. These letters must include commitments of cash or in-kind services from all those listed in the SF–424 and SF–424A. Each letter of support is limited to one page in length.

b. *Documentation of Team Member or Institution Experience with Wood Energy:* Additional information about team member or institutional experience with wood energy should be provided in this appendix.

c. *Documentation of Formal Agreements, Charters, etc. (optional):* Provide any written formal organizational framework that will guide the operation of the team such as MOUs, State Incorporation papers, or other instruments that establish the capacity and ability of the team to function and manage its actions.

d. *Federal Funds:* List all other Federal funds received for this Wood Energy Team within the last 3 years; include agency name, program name, and dollar amount.

(B) 2014 Hazardous Fuels Wood to Energy Grant

Summary

The U.S. Forest Service requests proposals for wood energy projects that require engineering services necessary for final design and cost analysis. The Hazardous Fuels Wood to Energy (W2E) Grant Program will fund projects for which some or all the woody biomass is generated from National Forest Service System lands as a result of hazardous fuel treatments, forest restoration activities, insect and disease mitigation, catastrophic weather events, or thinning overstocked stands. Projects that use woody biomass from multiple land ownerships (State, Tribal, or private lands) or multiple sources (wood products facilities, urban wood waste, etc.) will be considered as long as some of the woody biomass is generated from National Forest System lands. *Projects that do not anticipate using any wood from National Forest System lands will not be eligible.* The woody biomass must be used in commercially proven wood energy systems to produce thermal, electrical, liquid, or gaseous energy. Examples of projects might include, but are not limited to, engineering design of a woody biomass boiler that generates steam at a sawmill, hospital, or school; a nonpressurized hot water system; a biomass power generation facility; or geographic or sector-based clusters of wood energy systems. The lack of a professional engineering design often limits the ability of an applicant to secure Federal, State, or private funding. This program is intended for applicants seeking assistance to complete the necessary engineering design work, including permitting or other preconstruction analyses, required to secure public or private funding for construction of wood energy projects. An example of public funding is the USDA Rural Development grants and loan programs that might help fund construction of such facilities. This year, the W2E grant emphasizes geographic or sector-based clusters (e.g. hospitals, prisons, inmate conservation camps, school campuses, poultry houses) should leverage project similarities to improve economies of scale and expand the use of woody biomass for energy.

DATES: Application deadline is Tuesday, June 3, 2014 at 11:59 p.m.

SUPPLEMENTARY INFORMATION: To address the goals of Public Law 110–234, *Food, Conservation, and Energy Act of 2008, Rural Revitalization Technologies (7 U.S.C. 6601)* and *Consolidated Appropriations Act of 2014,* the agency is requesting proposals to address the nationwide challenge of using low-value woody biomass material to create renewable energy and protect communities and critical infrastructure from wildfires.

The goals of the W2E grant program are to:

- Promote projects that target and help remove economic and market barriers to using woody biomass for renewable energy.
- Assist projects that produce renewable energy from woody biomass while protecting the public interest.
- Reduce the public's cost for forest restoration by increasing the value of biomass and other forest products generated from hazardous fuels reduction and forest health activities.
- Create incentives and/or encourage business investments that use woody biomass from our Nation's forest lands for renewable energy projects.

Grant Requirements

1. Eligibility Information

a. *Eligible Applicants.* Eligible applicants are for-profit organizations; State, local, and Tribal governments; school districts; communities; nonprofit organizations; or special purpose districts (e.g., public utilities districts, fire districts, conservation districts, or ports). Only one application per business or organization will be accepted for this grant.

b. *Cost Sharing (Matching Requirement).* Applicants must demonstrate at least a 20 percent match of the total project cost. This match must be from non-Federal sources, which can include cash or in-kind contributions.

2. Award Information

Total funding anticipated for awards is approximately $2.8 million for the 2014 W2E program. Individual grants will not exceed $250,000. No legal obligation on the part of the Federal government will be incurred until appropriated funds are available and committed in writing through a grant award letter issued by a Forest Service grant officer to a successful applicant. Grants are typically 2 years from the date of award. Written annual financial

performance reports and annual project performance reports are required and must be submitted to the appropriate grant officer. A grant awarded under this program to a for-profit organization will generate an Internal Revenue Service (IRS) Form 1099 Miscellaneous Income that will be filed with the IRS and provided to the awardee. However, the U.S. Forest Service expresses no opinion on the taxability, if any, of the grant funds awarded.

3. Application Requirements

a. *Proposal Details.* This grant program requires that projects have had considerable advance work completed prior to submitting a grant application. Only applicants that have already completed and submit the following with their application will be considered: (1) Comprehensive Feasibility Assessment of the project by qualified and credible parties, and (2) Woody Biomass Resource Supply Assessment.

1. The Feasibility Assessment must address, at minimum, the following items:

• Economic feasibility analysis of the entire project, including site assessment, labor force wages and availability, utilities, access and transportation systems, and raw material feedstock needs. The analysis must include the overall economic impact, such as jobs created and retained on a full-time equivalent basis displayed by employment associated with operating the facility itself and supplying the facility. The analysis must also include a market feasibility study that analyzes market(s) for power, heat, fuel, or other energy product produced; market area; marketing plans for projected output, if needed; extent of competition for the particular target market(s); extent of competition for supply; delivered costs; and general characterization of supply availability (more detailed information is provided in the Woody Biomass Resource Supply Assessment section).

• Technical feasibility analysis that includes assessment of the recommended renewable energy technology, other technologies considered, why the recommended renewable energy technology was chosen, site suitability given the recommended renewable energy technology, actions and costs necessary to mitigate environmental impacts sufficient to meet regulatory requirements, developmental costs, capital investment costs, operational costs, projected income, estimated accuracy of these costs and income projections, sensitivity analysis with clear and explicit assumptions, and identification of project constraints or limitations.

• Financial feasibility analysis that includes projected income and cash flow for at least 36 months, description of cost accounting system, availability of short-term credit for operational phase, and *pro forma* financial statement with clear and explicit assumptions.

• List of personnel and teams undertaking project development, implementation, and operations, including a clear description of how continuity between project phases will be maintained. Describe the qualification of each team member including relevant education and management experience with the same or similar projects and how recently this experience occurred.

2. The Woody Biomass Resource Supply Assessment must provide a description of the potential woody biomass supply, including an estimate of the portion coming from National Forest System lands. At a minimum, the assessment should address each of the following items:

• Feedstock location and procurement area relative to the project site.

• Types of biomass fuel available and realistic pricing information based on fuel specifications required by the technology chosen, including explicit breakout of forest-sourced, agricultural-sourced, and urban-sourced biomass.

• Volume potentially available by ownership, fuel type, and source of biomass supply, considering recovery rates and other factors, such as Federal, State, and local policy and management practices. Specifically state the percentage of estimated volumes coming from National Forest System lands.

• Risk assessment of future biomass fuel supply including, but not limited to, impacts of potential Federal, State, and local policy changes; availability of additional fuel types; increased competition for biomass resource supply; and changes in transportation costs.

• Summary of estimated annual woody biomass that is available versus projected annual fuel use (i.e. a ratio usually exceeding 2:1).

• Minimum 5-year biomass fuel pricing forecast for material or blend of material meeting fuel specifications delivered to project site (required for financial *pro forma*).

b. *Creditworthiness Requirements.* For-profit and nonprofit organization applicants must have a Dun and Bradstreet rating that falls within the following categories:

1. Financial stress rating should be 1, 2, or 3 (1 being the best and 5 being the worst)
2. Credit score should be 1, 2, or 3 (1 being the best and 5 being the worst)
3. Paydex score should be between 60 and 100 (0 being the lowest and 100 the highest)

Corporate annual reports will not be accepted as evidence of due diligence for a business.

Before successful proposals can be funded, the applicant must first obtain a DUNS number from Dun & Bradstreet, and then register their organization at the System for Award Management Web site: *www.sam.gov* (formerly Central Contracting Registration). To verify that the organization has a DUNS number, or to take steps needed to obtain one, the applicant may call the dedicated toll-free DUNS number request line at (866) 705–5711, or go to *http://www.dunandbradstreet.com.* Applications submitted through *www.grants.gov* will not be accepted without a DUNS number.

4. Application Evaluation

Applications are evaluated against criteria discussed in Section 5. All applications will be screened to ensure compliance with the administrative requirements as set forth in this RFP. Applications not following the directions for submission will be disqualified without appeal. Directions can be found at *www.na.fs.fed.us/werc/* under 2014 Wood to Energy Grant Program. The appropriate Forest Service Region will provide a preliminary review based on grant administrative requirements and regional priorities of environmental, social, and economic impacts. Each region may submit up to 7 proposals for the nationwide competition, which will consist of a technical review of the proposed project by Federal experts or their designees from different Federal agencies who are experienced in energy systems, financing projects, or forestry. Panel reviewers will independently evaluate each proposed project for merit and assign a score using the criteria listed in Section 5. Technical merits, along with the regional priorities, will be submitted to the Forest Service national leadership for final selection and announcement.

5. Evaluation Criteria and Point System

If a reviewer determines that a proposal meets basic requirements for a criterion, half the number of points will be awarded. More points can be earned if the reviewer determines that a proposal exceeds the basic criteria and fewer if a proposal falls short of the

basic criteria. A maximum of 100 total points can be earned by a proposal, as illustrated below:

- Feasibility assessment shows economic viability for the proposed project. (20 points)
- Woody Biomass Resource Supply Assessment demonstrates: (1) An adequate long-term supply of wood to satisfy lender or public financing requirements, and (2) the degree to which the project supports hazardous fuel reduction or forest health management needs on National Forest System lands. (20 points)
- Demonstrates appropriate partnering, technical expertise, and financial health of applicant. (20 points)
- Presents a realistic timeline, scope, and project accomplishments. (20 points)
- Includes geographic or sector-based clusters (e.g. campuses, hospitals, prisons, poultry houses). (20 points)

6. Application Information

a. *Application Submission.* Applications must be submitted electronically to the individual email address for the respective Forest Service Regional Biomass Coordinator listed in the **ADDRESSES** section of this announcement by 11:59 p.m. on June 3, 2014. NO EXCEPTIONS. Paper submittals will not be accepted. If submitted through *www.grants.gov,* the application must be submitted by 11:59 p.m. on June 3, 2014. Your Forest Service Region is generally determined by the State where the majority of the proposed work will be conducted under the grant. In a few instances, two Forest Service regions may exist in one State. Forest Service regions can be located at *http://www.fs.fed.us/maps/products/guide-national-forests09.pdf.* Consult with the respective Forest Service Regional Biomass Coordinator if you are not certain which Region would apply.

b. *Application Format and Content.* Each submittal must consist of two separate PDF (or Word) files, as follows:

1. Proposal narrative and appendices (W2E Application Part 1 & Part 2, and Appendices)
2. Financial forms (W2E Application Part 3)

Text must be no smaller than 11 point font. A normal page in an application is defined as 8.5 inches by 11 inches with at least ½-inch margins. Submit all application information at the same time. The application template and financial forms can be found at *http://www.na.fs.fed.us/werc/* under 2014 Wood to Energy Grants.

A complete application includes the following items:

1. W2E Project Application, Part 1: Cooperator Contact Information
2. W2E Project Application, Part 2: Narrative Proposal and Required Appendices
3. W2E Project Application, Part 3: Financial Forms must include SF–424, SF–424A, SF–424B, AD–1047, AD–1049 (or AD–1052 for States and State agencies), AD–3030, and FS–1500–35 (certificate regarding lobbying activities).

A maximum of 15 pages per proposal for items #1 through #4 listed below will be accepted:

1. Project Narrative (10 pages)

The project narrative must provide a clear description of the work to be performed; impact from removing woody biomass and creating renewable energy, especially how it benefits National Forest System lands (e.g. tons of biomass removed that would have otherwise been burned, cost savings to landowners, source of biomass removed from forested areas broken out by ownership); how jobs will be created, retained, and sustained; and how geographic or sector-based clusters will be incorporated into the project. Application narrative should address the discussion areas listed in the W2E Application, Part 2.

2. Budget Summary Justification in Support of SF–424A (2 pages)

3. Qualifications and Summary Portfolio of Engineering Services (2 pages)

For the engineering systems, the project usually consists of a system designer, project manager, equipment supplier, project engineer, construction contractor of system installer, and a system operator and maintainer. One individual or entity may serve more than one role. The project team must have demonstrated expertise in similar wood energy systems development, engineering, installation, and maintenance. The application must include authoritative evidence that project team service providers have the necessary professional credentials or relevant experience to perform the required services and that vendors of proprietary components can provide necessary equipment and spare parts for the system to operate over its design life. A list of the same or similar projects designed, installed, and currently operating must be provided along with appropriate contacts.

4. Community Benefit Statement (1 page)

Provide a one-page narrative on social, environmental, and economic impact and importance of project to community. Examples include, but are not limited to, fossil fuel offsets, jobs created, community support, fuel savings, forest management benefits, or local businesses supported.

7. Appendices

The following information must be included in appendices:

a. *Comprehensive Feasibility Assessment.*

b. *Woody Biomass Resource Supply Assessment.*

c. *Quotes for Professional Engineering Services* (minimum of two quotes): Rationale for selection of engineering firm, if already selected.

d. *Letters of Support from Partners, Individuals, or Organizations:* Letters of support are intended to display the degree of collaboration occurring between the different entities engaged in the project. These letters must include partner commitments of cash or in-kind services from all those listed in the SF–424 and SF–424A.

e. *Miscellaneous, such as schematics.*

f. *Federal Funds:* List all other Federal funds received for this project within the last 3 years. List agency, program name, and dollar amount.

Documentation exceeding the designated page limit requirements for any given section will not be considered.

Dated: March 4, 2014.

James Hubbard,

Deputy Chief, State and Private Forestry.

[FR Doc. 2014–08778 Filed 4–21–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Siskiyou, Oregon Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Siskiyou, Oregon Resource Advisory Committee (RAC) will meet in Gold Beach, Oregon. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meeting is open to the public. The purpose of the meeting is orientation of RAC members.

DATES: The meeting will be held May 22, 2014 from 10:00 a.m. to 3:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Curry County Fairgrounds Showcase Building, 29392 Ellensburg Avenue, Gold Beach, Oregon 97444.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Medford Interagency Office, 3040 Biddle Road, Medford, Oregon 97504. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Virginia Gibbons, Rogue River-Siskiyou National Forest Public Affairs Officer by phone at 541–618–2113 or via email at *vgibbons@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accomodation for access to the facility or procedings by contacting the person listed **FOR FURTHER INFORMATION**.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf/Web_Agendas?OpenView&Count=1000&RestrictToCategory=Siskiyou-OR.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by May 16, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Virginia Gibbons, Rogue River-Siskiyou National Forest Public Affairs Officer, 3040 Biddle Road, Medford, Oregon 97504; or by email to *vgibbons@fs.fed.us,* or via facsimile to 541–618–2143.

Dated: April 15, 2014.

Robert G. MacWhorter,

Forest Supervisor.

[FR Doc. 2014–09100 Filed 4–21–14; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Processing Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Processing Equipment Technical Advisory Committee (MPETAC) will meet on May 13, 2014, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

Agenda

Open Session

1. Opening remarks and introductions.
2. Presentation of papers and comments by the Public.
3. Discussion on proposals for the next Wassenaar meeting.
4. Report on proposed and recently issued changes to the Export Administration Regulations.
5. Other business.

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 sections 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than May 6, 2014.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 2014, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 section 10(d)), that the portion of the meeting dealing with matters the premature disclosure of which would be likely to frustrate significantly implementation of a proposed agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 sections 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public. For more information, call Yvette Springer at (202) 482–2813.

Dated: April 16, 2014.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2014–09082 Filed 4–21–14; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on May 8, 2014, 10:00 a.m., Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda

Open Session

1. Opening Remarks and Introductions.
2. Remarks from BIS senior management.
3. Report on a new working group for discussion of Public Domain issues as it relates to ITAR and EAR.
4. Discussion on recycling carbon fiber, prepreg, cured parts, out of life parts from Composite Working Group.
5. Report on Biological and Pump/Valves Working Group.
6. Report on regime-based activities.
7. Public Comments and New Business.

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov*, no later than May 1, 2014.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 11, 2014, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: April 16, 2014.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2014–09083 Filed 4–21–14; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review; 2008–2009

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On September 25, 2013, the United States Court of International Trade (Court or CIT) issued its final judgment affirming the Department of Commerce's (the Department's) final results of the remand redetermination [1] concerning the 2008–2009 administrative review of the antidumping duty order on circular welded non-alloy steel pipe (CWP) from the Republic of Korea (Korea).[2] Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co.,* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department is notifying the public that the final CIT judgment in this case is not in harmony with the Department's final results of administrative review and is amending its final results of the administrative review of the antidumping duty order on CWP from Korea covering the period of review (POR) of November 1, 2008, through October 31, 2009, with respect to the weighted-average dumping margin calculated for SeAH Steel Corporation (SeAH).

DATES: *Effective Date:* October 5, 2013.

FOR FURTHER INFORMATION CONTACT: Nancy Decker or Joshua Morris, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0196 or (202) 482–1779, respectively.

SUPPLEMENTARY INFORMATION: The Department published the final results of the 2008–2009 administrative review of the antidumping duty order on CWP from Korea on June 21, 2011.[3] SeAH, a Korean producer and exporter of CWP, and Kurt Orban Partners, LLC, a U.S. importer of the same merchandise, timely filed complaints with the CIT to challenge the Department's application of its zeroing methodology in the *Final Results.* SeAH also challenged the cost recovery analysis the Department employed in the *Final Results.* On October 13, 2011, the Court remanded the Department to reconsider its position with regard to its zeroing methodology in the underlying administrative review in light of the decision of the Federal Circuit in *JTEKT Corp.* v. *United States,* 642 F.3d 1378 (Fed. Cir. 2011) (*JTEKT*), while also granting the Department's request for a voluntary remand to reconsider its cost-recovery analysis in light of *SeAH Steel Corp.* v. *United States,* 764 F. Supp. 2d 1322 (CIT 2011) (*SeAH II*).[4] On January 11, 2012, the Department filed the *Remand Results* with the CIT, in which the Department altered its cost-recovery analysis to comply with the decision in *SeAH II* and provided its explanation supporting its position to deny offsets for non-dumped sales in administrative reviews when using the average-to-transaction comparison method. Accordingly, the Department recalculated SeAH's weighted-average dumping margin from 4.99 percent to 3.87 percent. On September 25, 2013, the Court affirmed the Department's *Remand Results.*[5]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision not ''in harmony'' with a Department determination, and must suspend liquidation of entries pending a ''conclusive'' court decision. The Court's September 25, 2013, judgment constitutes a final decision of the CIT that is not in harmony with the Department's *Final Results.* This notice is published in fulfillment of the publication requirement of *Timken.* The period of appeal expired, and the court decision is now final and conclusive.

Amended Final Results

Because there is now a final court decision with respect to this case, the Department is amending its *Final Results* with respect to SeAH's weighted-average dumping margin for this POR. The revised weighted-average dumping margin is as follows:

Producer or exporter	Weighted-average dumping margin
SeAH Steel Corporation	3.87%

Since the CIT's ruling is final and has not been appealed, the Department will instruct United State Customs and Border Protection (CBP) to liquidate entries of subject merchandise from SeAH during the POR based on the

[1] *See* ''Final Results of Redetermination Pursuant to Remand: SeAH Steel Corporation and Kurt Orban Partners, LLC v. United States (Defendant) and Allied Tube Conduit et al. (Defendants-Intervenors), Consol. Court No. 11–00226'' (January 11, 2012) (Remand Results).

[2] *See SeAH Steel Corporation and Kurt Orban Partners, LLC v. United States and Allied Tube and Conduit, TMK IPSCO Tubular, and United States Steel Corporation,* Consol. Court No. 11–00226, Slip Op. 13–124 (CIT September 25, 2013) (*SeAH v. United States*).

[3] *See Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Final Results of the Antidumping Duty Administrative Review,* 76 FR 36089 (June 21, 2011) (*Final Results*).

[4] *See SeAH Steel Corporation and Kurt Orban Partners, LLC* v. *United States (Defendant) and Allied Tube Conduit et al. (Defendants-Intervenors),* Court No. 11–00226 (CIT October 13, 2011).

[5] *See SeAH v. United States,* Slip Op. 13–124 at 23.

revised assessment rates calculated by the Department in the Remand Results. Since the *Final Results,* the Department established a new cash deposit rate for SeAH. Therefore, the case deposit rate for SeAH will remain the company-specific rate established for the subsequent and most recent period for a completed administrative review during which SeAH was reviewed.[6]

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: April 15, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–09130 Filed 4–21–14; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Final Results of the Antidumping Duty Administrative Review,* 77 FR 34344, 34345 (June 11, 2012).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD248

Endangered Species; File No. 18526

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Coonamessett Farm Foundation, Inc., 277 Hatchville Road, East Falmouth, MA 02536 [Responsible Party: Ronald Smolowitz] has applied in due form for a permit to take sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before May 22, 2014.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 18526 from the list of available applications.

These documents are also available upon written request or by appointment in the following office:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division

- by email to *NMFS.Pr1Comments@noaa.gov* (include the File No. in the subject line of the email),
- by facsimile to (301) 713–0376, or
- at the address listed above.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Kristy Beard or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The purpose of the research is to continue ongoing research to assess and reduce sea turtle bycatch in sea scallop fisheries in the Mid-Atlantic Bight. The research will aid in evaluating abundance estimates, evaluating scallop harvesting strategies to minimize harm to sea turtles, and defining critical habitat. Loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*), and unidentified hardshell sea turtles would be captured by hoopnet. Up to 20 loggerhead, 1 Kemp's ridley, 1 leatherback, 1 green, and 1 unidentified sea turtle annually would be captured, weighed and measured, blood and tissue sampled, and tagged with flipper tags, passive integrated transponders, and satellite tags. Turtles would also be tracked and monitored with a remotely operated vehicle.

The permit would be valid for five years.

Dated: April 17, 2014.

Tammy C. Adams,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–09134 Filed 4–21–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority Finance Committee Special Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of Public Meeting of the First Responder Network Authority Finance Committee.

SUMMARY: The Finance Committee of the First Responder Network Authority (FirstNet) Board will hold a Special Meeting via telephone conference (teleconference) on April 25, 2014.

DATES: The Special Meeting will be held on Friday, April 25, 2014, from 1:00 p.m. to 2:00 p.m. Eastern Daylight Time.

ADDRESSES: The Special Meeting will be conducted via teleconference. Members of the public may listen to the meeting by dialing toll-free 1–800–369–1868 and using passcode ''FirstNet.'' Due to the limited number of ports, attendance via teleconference will be on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Uzoma Onyeije, Secretary, FirstNet, U.S. Department of Commerce, 1401 Constitution Avenue NW. Washington, DC 20230: telephone (202) 482–0016; email *uzoma@firstnet.gov.* Please direct media inquiries to FirstNet's Office of Public Affairs, (202) 482–4809.

SUPPLEMENTARY INFORMATION:

Background: The Middle Class Tax Relief and Job Creation Act of 2012 (Act), Public Law 112–96, 126 Stat. 156 (2012), created FirstNet as an independent authority within NTIA. The Act directs FirstNet to establish a single nationwide, interoperable public safety broadband network. The FirstNet Board is responsible for making strategic decisions regarding FirstNet's operations. As provided in Section 4.08 of the FirstNet Bylaws, the Finance Committee through this Notice provides at least two days' notice of a Special Meeting of the Committee to be held on April 25, 2014. The Finance Committee may, by a majority vote, close a portion of the Special Meeting as necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting FirstNet, including pending or potential litigation. *See* 47 U.S.C. 1424(e)(2).

Matters To Be Considered: FirstNet will post an agenda for the Special Meeting on its Web site at *http://*

www.FirstNet.gov prior to the meeting. The agenda topics are subject to change.

Time and Date: The Special Meeting will be held on April 25, 2014, from 1:00 p.m. to 2:00 p.m. Eastern Daylight Time. The times and dates are subject to change. Please refer to FirstNet's Web site at *http://www.FirstNet.gov* for the most up-to-date information.

Other Information: The teleconference for the Special Meeting is open to the public. On the date and time of the Special Meeting, members of the public may call toll-free 1 800–369–1868 and use passcode ''FirstNet'' to listen to the meeting. If you experience technical difficulty, please contact Charles Franz by telephone (202) 482–1826; or via email *cfranz@ntia.doc.gov*. Public access will be limited to listen-only. Due to the limited number of ports, attendance via teleconference will be on a first-come, first-served basis.

Records: FirstNet maintains records of all meetings of the Board's Committees. Board minutes will be available at *http://www.FirstNet.gov*.

Dated: April 17, 2014.

Kathy D. Smith,

Chief Counsel.

[FR Doc. 2014–09185 Filed 4–21–14; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Acquisition University Board of Visitors; Notice of Federal Advisory Committee Meeting

AGENCY: Defense Acquisition University, DoD.

ACTION: Meeting notice.

SUMMARY: The Department of Defense is publishing this notice to announce a Federal Advisory Committee meeting of the Defense Acquisition University Board of Visitors. This meeting will be open to the public.

DATES: Wednesday, May 21, 2014, from 9:00 a.m. to 2:00 p.m.

ADDRESSES: DAU Headquarters, 9820 Belvoir Road, Fort Belvoir, VA, 22060.

FOR FURTHER INFORMATION CONTACT: Christen Goulding, Protocol Director, DAU. Phone: 703–805–5134. Fax: 703–805–5940. Email: *christen.goulding@dau.mil.*

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of this meeting is to report back to the Board of Visitors on continuing items of interest. Agenda:

9:00 a.m. Welcome and announcements
9:15 a.m. Professionalizing the Total Defense Acquisition Workforce
10:30 a.m. Future Defense Acquisition Workforce Development Fund Budget
11:30 a.m. Working Lunch/Required Ethics Training
12:45 p.m. Workforce Qualification
2:00 p.m. Adjourn

Public's Accessibility to the Meeting

Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. However, because of space limitations, allocation of seating will be made on a first-come, first served basis. Persons desiring to attend the meeting should call Ms. Christen Goulding at 703–805–5134.

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Defense Acquisition University Board of Visitors about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the Defense Acquisition University Board of Visitors.

All written statements shall be submitted to the Designated Federal Officer for the Defense Acquisition University Board of Visitors, and this individual will ensure that the written statements are provided to the membership for their consideration.

Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at least five calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the Defense Acquisition University Board of Visitors until its next meeting.

Committee's Designated Federal Officer or Point of Contact

Ms. Kelley Berta, 703–805–5412.

Dated: April 16, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–09055 Filed 4–21–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0062]

Agency Information Collection Activities; Comment Request; National Evaluation of the Technical Assistance and Dissemination (TA&D) Program: Grantee Questionnaire/Interview and State Survey Data Collection

AGENCY: Institute of Education Sciences/National Center for Education Statistics (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before June 23, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0062 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jonathan Jacobson, 202–208–3876.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is

soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Evaluation of the Technical Assistance and Dissemination (TA&D) Program: Grantee Questionnaire/Interview and State Survey Data Collection.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 3,702.

Total Estimated Number of Annual Burden Hours: 927.

Abstract: This data collection is Phase II of the National Evaluation of the TA&D Program and will focus on gathering relevant information on the State Deaf-Blind Projects funded under the OSEP Technical Assistance and Dissemination (TA&D) Program. Data will be obtained through three questionnaires. A State Deaf-Blind Project Questionnaire will be administered to all Project Directors and will yield detailed descriptive information about the technical assistance products and services provided by the TA&D Program grantees and to whom they provide them. A questionnaire administered to providers who are identified as those who work at least on a weekly basis with students aged 6–21 with deaf blindness will provide information concerning characteristics of these providers and their needs for technical assistance to support their work with students. A subset of these providers who have received child-specific technical assistance from a state deaf-blind project will receive a short set of additional questions about their experiences with the TA received, and their satisfaction with that support.

This data collection will provide unique, detailed data and information that are not currently available from other sources but that are necessary in order to accurately understand the role that the State Deaf-Blind Projects play in supporting local providers in their work with children and youth with deaf blindness. The National Evaluation of the TA&D Program is part of the National Assessment of the Individuals with Disabilities Education Improvement Act of 2004 (hereafter referred to as the National Assessment). Failure to collect these data may result in the ED being unable to adequately report to Congress on the National Assessment.

Dated: April 17, 2014.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–09099 Filed 4–21–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Appliance Standards and Rulemaking Federal Advisory Committee

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of Charter Renewal.

SUMMARY: Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act (Pub. L. 92–463), and in accordance with Title 41 of the Code of Federal Regulations, section 102–3.65(a), and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Appliance Standards and Rulemaking Federal Advisory Committee's (ASRAC) charter is being renewed.

The Committee will provide advice and recommendations to the Secretary of Energy on matters concerning the DOE's Appliances and Commercial Equipment Standards Program's (Program) test procedures and rulemaking process.

Additionally, the renewal of the ARSAC has been determined to be essential to conduct business of the Department of Energy's and to be the in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, the rules and regulations in implementation of that Act.

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, Designated Federal Officer at (202) 287–1692.

Issued in Washington, DC, on April 16, 2014.

Amy Bodette,

Committee Management Officer.

[FR Doc. 2014–09120 Filed 4–21–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, May 21, 2014 1:00 p.m.–5:30 p.m.

ADDRESSES: Cities of Gold Conference Center, 10–A Cities of Gold Road, Pojoaque, New Mexico 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *Menice.Santistevan@nnsa.doe.gov*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1:00 p.m. Call to Order by Deputy Designated Federal Officer (DDFO), Lee Bishop; Establishment of a Quorum: Roll Call and Excused Absences, William Alexander; Welcome and Introductions, Carlos Valdez, Chair; Approval of Agenda and March 26, 2014 Meeting Minutes

1:15 p.m. Old Business
- Written Reports
- Report on Environmental Justice Conference, Irene Tse-Pe and Angel Quintana
- Other Items

1:45 p.m. New Business
- Presentation of Certificates of Appreciation to Student Members, Carlos Valdez
- Report from Nominating Committee, Stephen Schmelling

and Angel Quintana
- Other items

2:00 p.m. Update from New Mexico Environment Department, Secretary Ryan Flynn
2:45 p.m. Break
3:05 p.m. Stakeholder Input on Next Cleanup Campaign, Pete Maggiore and Jeff Mousseau
3:30 p.m. Poster Session with Subject Matter Experts
4:45 p.m. Public Comment Period
5:00 p.m. Path Forward for NNMCAB Recommendation, Carlos Valdez
5:15 p.m. Wrap-Up and Comments from NNMCAB Members, Carlos Valdez
5:30 p.m. Adjourn

Public Participation: The EM SSAB, Northern New Mexico, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/*

Issued at Washington, DC on April 16, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–09121 Filed 4–21–14; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, May 14, 2014, 6:00 p.m.

ADDRESSES: Barkley Centre, 111 Memorial Drive, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Rachel Blumenfeld, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6806.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

- Call to Order, Introductions, Review of Agenda.
- Administrative Issues.
- Public Comments (15 minutes).
- Adjourn.

Breaks Taken as Appropriate

Public Participation: The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Rachel Blumenfeld as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Rachel Blumenfeld at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

Minutes: Minutes will be available by writing or calling Rachel Blumenfeld at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.pgdpcab.energy.gov/2013Meetings.html*.

Issued at Washington, DC, on April 16, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–09122 Filed 4–21–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, May 14, 2014, 6:00 p.m.

ADDRESSES: Department of Energy Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37830.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 576–0956 or email: *noemp@emor.doe.gov* or check the Web site at *http://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Welcome and Announcements.
- Comments from the Deputy Designated Federal Officer.

- Comments from the DOE, Tennessee Department of Environment and Conservation, and Environmental Protection Agency Liaisons.
- Public Comment Period.
- Presentation.
- Additions/Approval of Agenda.
- Motions/Approval of April 9, 2014 Meeting Minutes.
- Status of Recommendations with DOE.
- Committee Reports.
- Federal Coordinator Report.
- Adjourn.

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *http://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

Issued at Washington, DC, on April 16, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–09119 Filed 4–21–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1256–000]

Loup River Public Power District; Notice of Authorization for Continued Project Operation

On April 16, 2012, the Loup River Public Power District, licensee for the Loup River Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Loup River Hydroelectric Project is located on the Loup River, Loup Canal, and Platte River in Nance and Platte counties, Nebraska.

The license for Project No.1256 was issued for a period ending April 15, 2014. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 USC 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No.1256 is issued to the licensee for a period effective April 16, 2014 through April 15, 2015 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before April 15, 2015, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Loup River Public Power District, is authorized to continue operation of the Loup River Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: April 15, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–09069 Filed 4–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–736–000.

Applicants: Northwest Pipeline LLC.

Description: Plymouth Blu Water—Missed In-service Date to be effective 4/1/2014.

Filed Date: 4/14/14.

Accession Number: 20140414–5195.

Comments Due: 5 p.m. ET 4/28/14.

Docket Numbers: RP14–737–000.

Applicants: National Fuel Gas Supply Corporation.

Description: Volume 2 TOC Update to be effective 5/15/2014.

Filed Date: 4/15/14.

Accession Number: 20140415–5023.

Comments Due: 5 p.m. ET 4/28/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 15, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–09113 Filed 4–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–2068–005; *ER10–2460–006; ER10–2461–006; ER12–682–007; ER10–2463–006; ER11–2201–010; ER10–2464–003; ER13–1585–003; ER13–17–004; ER12–1311–006; ER10–2466–007; ER11–4029–006.*

Applicants: Blue Sky East, LLC, Canandaigua Power Partners, LLC, Canandaigua Power Partners II, LLC, Erie Wind, LLC, Evergreen Wind Power, LLC, Evergreen Wind Power III, LLC, First Wind Energy Marketing, LLC, Longfellow Wind, LLC, Niagara Wind Power, LLC, Stetson Holdings, LLC, Stetson Wind II, LLC, Vermont Wind, LLC.

Description: Second Supplement to December 31, 2013 Market Power Update for the Northeast Region and Notice of Change in Status of Blue Sky East, LLC, et. al.

Filed Date: 4/11/14.

Accession Number: 20140411–5293.

Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–7–000.

Applicants: American Electric Power Service Corporation.

Description: Refund Report to be effective N/A.

Filed Date: 4/11/14.

Accession Number: 20140411–5286.

Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–990–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 2014–04–14_Docket No. ER14–990–000_DR/EER Netting Compliance to be effective 3/15/2014.

Filed Date: 4/14/14.

Accession Number: 20140414–5175.

Comments Due: 5 p.m. ET 5/5/14.

Docket Numbers: ER14–1630–001.

Applicants: Mantua Creek Solar, LLC.

Description: Mantua Creek Solar, LLC Amendment to Application for MBR and Tariff to be effective 4/1/2014.

Filed Date: 4/11/14.

Accession Number: 20140411–5277.

Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–1712–000.

Applicants: Ohio Valley Electric Corporation.

Description: Amended and Restated Interconnection Agreement to be effective 4/12/2014.

Filed Date: 4/11/14.

Accession Number: 20140411–5275.

Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–1713–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 2014–04–11_Docket No. ER14–1713–000_Flow Limit Filing to be effective 4/12/2014.

Filed Date: 4/11/14.

Accession Number: 20140411–5276.

Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–1714–000.

Applicants: New York Independent System Operator, Inc.

Description: Request for limited tariff waiver and expedited Commission action of New York Independent System Operator, Inc.

Filed Date: 4/11/14.

Accession Number: 20140411–5285.

Comments Due: 5 p.m. ET 4/21/14.

Docket Numbers: ER14–1715–000.

Applicants: Michigan Electric Transmission Company, LLC.

Description: Filing of Amended and Restated Service Agreement to be effective 6/13/2014.

Filed Date: 4/14/14.

Accession Number: 20140414–5088.

Comments Due: 5 p.m. ET 5/5/14.

Docket Numbers: ER14–1716–000.

Applicants: PJM Interconnection, L.L.C.

Description: Original Service Agreement No. 3799–Queue Position Y3–100 to be effective 3/13/2014.

Filed Date: 4/14/14.

Accession Number: 20140414–5108.

Comments Due: 5 p.m. ET 5/5/14.

Docket Numbers: ER14–1717–000.

Applicants: PJM Interconnection, L.L.C.

Description: Original Service Agreement No. 3798–Queue Position Y3–099 to be effective 3/13/2014.

Filed Date: 4/14/14.

Accession Number: 20140414–5176.

Comments Due: 5 p.m. ET 5/5/14.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA07–19–010*; OA07–43–011*; *ER07–1171–011.*

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits its annual compliance report on penalty assessments and distributions in OA07–19, et al.

Filed Date: 4/11/14.

Accession Number: 20140411–5291.

Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: OA07–44–008.

Applicants: El Paso Electric Company.

Description: Report on Operational Penalty Distributions of El Paso Electric Company.

Filed Date: 4/14/14.

Accession Number: 20140414–5129.

Comments Due: 5 p.m. ET 5/5/14.

Docket Numbers: OA09–22–006.

Applicants: Florida Power & Light Company.

Description: Annual Compliance Report Regarding Penalties for Unreserved Use of Florida Power & Light Company.

Filed Date: 4/11/14.

Accession Number: 20140411–5290.

Comments Due: 5 p.m. ET 5/2/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 14, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–09114 Filed 4–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–733–000.

Applicants: ANR Pipeline Company.

Description: Maps 2014 to be effective 6/1/2014.

Filed Date: 4/14/14.

Accession Number: 20140414–5032.

Comments Due: 5 p.m. ET 4/28/14.

Docket Numbers: RP14–734–000.

Applicants: Great Lakes Gas Transmission Limited Par.

Description: Maps 2014 to be effective 6/1/2014.

Filed Date: 4/14/14.

Accession Number: 20140414–5035.

Comments Due: 5 p.m. ET 4/28/14

Docket Numbers: RP14–735–000
Applicants: Northern Border Pipeline Company.
Description: Maps 2014 to be effective 6/1/2014.
Filed Date: 4/14/14.
Accession Number: 20140414–5042.
Comments Due: 5 p.m. ET 4/28/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 14, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–09112 Filed 4–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2388–003]

The City of Holyoke Gas & Electric Department; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.
b. *Project No.:* 2388–003.
c. *Date Filed:* January 31, 2014.
d. *Submitted By:* City of Holyoke Gas & Electric Department.
e. *Name of Project:* Holyoke No. 3 Hydroelectric Project.
f. *Location:* Between the second and third level canals on the Holyoke Canal System adjacent to the Connecticut River, in the city of Holyoke in Hampden County, Massachusetts. The project does not occupy federal land.
g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.
h. *Potential Applicant Contact:* Paul Ducheney, Superintendent, Holyoke Gas & Electric, 99 Suffolk Street, Holyoke, MA 01040; (413) 536–9340; *email—ducheney@hged.com.*
i. *FERC Contact:* Adam Beeco at (202) 502–8655; or email at *adam.beeco@ferc.gov.*
j. Holyoke Gas and Electric filed its request to use the Traditional Licensing Process on January 31, 2014. Holyoke Gas and Electric provided public notice of its request on February 6, 2014. In a letter dated April 15, 2014, the Director of the Division of Hydropower Licensing approved Holyoke Gas and Electric's request to use the Traditional Licensing Process.
k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Massachusetts State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.
l. With this notice, we are designating Holyoke Gas and Electric as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.
m. Holyoke Gas and Electric filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.
n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.
o. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: April 15, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–09071 Filed 4–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2386–003]

The City of Holyoke Gas & Electric Department; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.
b. *Project No.:* 2386–003.
c. *Date Filed:* January 31, 2014.
d. *Submitted By:* City of Holyoke Gas & Electric Department.
e. *Name of Project:* Holyoke No. 1 Hydroelectric Project.
f. *Location:* Between the first and second level canals on the Holyoke Canal System adjacent to the Connecticut River, in the city of Holyoke in Hampden County, Massachusetts. The project does not occupy federal land.
g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.
h. *Potential Applicant Contact:* Paul Ducheney, Superintendent, Holyoke Gas & Electric, 99 Suffolk Street, Holyoke, MA 01040; (413) 536–9340; email—*ducheney@hged.com.*
i. *FERC Contact:* Adam Beeco at (202) 502–8655; or email at *adam.beeco@ferc.gov.*
j. Holyoke Gas and Electric filed its request to use the Traditional Licensing Process on January 31, 2014. Holyoke Gas and Electric provided public notice of its request on February 6, 2014. In a letter dated April 15, 2014, the Director of the Division of Hydropower Licensing approved Holyoke Gas and Electric's request to use the Traditional Licensing Process.
k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing

regulations at 50 CFR 600.920. We are also initiating consultation with the Massachusetts State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Holyoke Gas and Electric as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Holyoke Gas and Electric filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2386. Pursuant to 18 CFR 16.8, 16.9, and 16.10, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by January 31, 2017.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: April 15, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–09068 Filed 4–21–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2153–043]

Pacific Gas and Electric Company; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Application for License Amendment

b. *Project No.:* 2153–043

c. *Date Filed:* April 4, 2014

d. *Applicants:* United Water Conservation District (licensee)

e. *Name of Project:* Santa Felicia

f. *Location:* Piru Creek in Ventura County, CA

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Ms. Catherine McCalvin, United Water Conservation District, 106 North Eighth Street, Santa Paula, CA 93060. Phone (805) 317–8985.

i. *FERC Contact:* Mr. John Aedo, (415) 369–3335, or *john.aedo@ferc.gov.*

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 30 days from the issuance date of this notice by the Commission (May 14, 2014). The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–2153–043) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* The licensee requests Commission approval to amend license article 403, which contains the minimum flow requirements for the project. The licensee proposes to instead, implement the flow regime developed with the National Marine Fisheries Service in its 2012 Water Release Plan. In addition, the licensee proposes to exempt the whitewater boating access requirements of its project license during any increased water releases over 200 cubic feet per second occurring between January 1 and May 1. The licensee requests this access limitation in order to avoid adverse impacts to steelhead in Piru Creek. Finally, the licensee's application contains a water quality certification from the California State Water Resources Control Board, which in addition to approving the revised flow regime, requires that the licensee develop a dissolved oxygen monitoring plan.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to

which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: April 15, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–09070 Filed 4–21–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–UST–2010–0625; FRL–9909–85–OSWER]

Proposed Information Collection Request; Comment Request; Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures (Renewal)'' (EPA ICR No. 1360.13, OMB Control No. 2050–0068) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through September 30, 2014. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before June 23, 2014.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–UST–2010–0625 online using *www.regulations.gov* (our preferred method), by email to *mcdermott.elizabeth@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Elizabeth McDermott, Office of Underground Storage Tanks, Mail Code 5401P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (703) 603–7175; fax number: (703) 603–0175; email address: *mcdermott.elizabeth@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Subtitle I of the Resource Conservation and Recovery Act (RCRA), as amended, requires that EPA develop standards for Underground Storage Tank (UST) systems, as may be necessary, to protect human health and the environment, and procedures for approving state programs in lieu of the federal program. EPA promulgated technical and financial requirements for owners and operators of USTs at 40 CFR part 280, and state program approval procedures at 40 CFR part 281. This ICR is a comprehensive presentation of all information collection requirements contained at 40 CFR parts 280 and 281.

The data collected for new and existing UST system operations and financial requirements are used by owners and operators and/or EPA or the implementing agency to monitor results of testing, inspections, and operation of UST systems, as well as to demonstrate compliance with regulations. EPA believes strongly that if the minimum requirements specified under the regulations are not met, neither the facilities nor EPA can ensure that UST systems are being managed in a manner protective of human health and the environment.

EPA uses state program applications to determine whether to approve a state program. Before granting approval, EPA must determine that programs will be no less stringent than the federal program and contain adequate enforcement mechanisms.

This collection also includes the authority for Region IX to request documents or other information from UST owners and operators within the Region. The information request letter authority was codified in 40 CFR 280.34 of the UST regulations and this regulation and other provisions of the UST regulations also contain specific ongoing facility reporting and record keeping obligations.

Form Numbers: None.

Respondents/affected entities: Facilities that own and operate underground storage tanks (USTs), states that implement the UST programs, and tribes.

Respondent's obligation to respond: Mandatory (40 CFR part 280).

Estimated number of respondents: 211,540.

Frequency of response: Once, on occasion, annual.

Total estimated burden: 6,753,558 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $479,519,291 (per year), includes $279,652,536 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase of 1,500 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. For Region 9, this represents an increase of 1,500 hours which is due to a readjustment of estimates after the first collection. Therefore this ICR's burden hours are increasing by 1,500 hours due to the consolidation of adding in the estimates from the Region 9 UST program. For the general UST program, EPA expects the estimates to remain substantially the same for the renewal ICR since estimates of the universe of tanks and facilities has not changed significantly over the past three years.

Dated: April 9, 2014.

Carolyn Hoskinson,

Director, Office of Underground Storage Tanks.

[FR Doc. 2014–09138 Filed 4–21–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2013–0262; FRL–9909–87–OW]

Re-Issuance of a General Permit to the National Science Foundation for the Ocean Disposal of Man-Made Ice Piers From Its Base at McMurdo Sound in Antarctica

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; final permit.

SUMMARY: EPA is re-issuing a permit authorizing the National Science Foundation (NSF) to dispose of ice piers in ocean waters. Permit re-issuance is necessary because the current permit has expired. Today, this renewed permit retains the conditions established in the previous general permit issuance.

DATES: This general permit is effective May 22, 2014.

ADDRESSES: This permit is identified as Docket No. EPA–HQ–OW–2013–0262. The record is closed but available for inspection from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays, at the Water Docket, 1301 Constitution Avenue NW., Room B–135, Washington, DC 20460. For access to docket materials, call (202) 566–2426, to schedule an appointment.

FOR FURTHER INFORMATION CONTACT: Ryan Gross, Environmental Engineer, Marine Pollution Control Branch, Oceans and Coastal Protection Division (4504T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone (202) 566–1810.

SUPPLEMENTARY INFORMATION: On February 14, 2003, EPA issued a general permit to the NSF for ocean disposal of man-made ice piers from its base at McMurdo Sound in Antarctica. The Marine Protection, Research, and Sanctuaries Act (MPRSA) section 104(a) provides that permits shall be issued for a period not to exceed seven years, 33 U.S.C. 1414(a). This general permit has expired, but remains in effect under the Administrative Procedure Act, 5 U.S.C. 558(c) because NSF filed a timely and sufficient application for renewal prior to expiration. EPA published a notice proposing renewal of the permit on May 9, 2011 (76 FR 26721). Therefore, today's action by the EPA finalizes the provisions of the general permit and extends the terms of the 2003 permit for another seven-year period.

EPA re-issues the general permit under sections 102(a) and 104(c) of the MPRSA to authorize the NSF to dispose of man-made ice piers in ocean waters from its base at McMurdo Sound in Antarctica. The NSF is the agency of the United States Government responsible for oversight of the United States Antarctic Program. The NSF currently operates three major bases in Antarctica: McMurdo Station on Ross Island, adjacent to McMurdo Sound; Palmer Station, near the western terminus of the Antarctic Peninsula; and Amundsen-Scott South Pole Station, at the geographic South Pole. McMurdo Station is the largest of the three stations and serves as the primary logistics base for the Antarctica operations of NSF. The great majority of personnel and supplies destined for the three stations are unloaded from ships docked at the McMurdo Station ice pier. This man-made pier has a normal life span of three to five years. NSF constructed the current ice pier in 2012.

When an ice pier is at the end of its effective life, all transportable equipment, materials, and debris are removed. The pier is then cast loose from its moorings at the base and is towed out to McMurdo Sound for disposal, where it melts naturally. Issuance of this general permit is necessary because the pier must be towed out to sea for disposal at the end of its effective life. In accordance with Section 104(c) of the MPRSA, 33 U.S.C. 1414(c) and implementing regulations at 40 CFR 220.3, the terms and conditions of this general permit are designed to protect the marine environment, including through specification of operating conditions applicable over the life of the pier, as well as required clean-up actions, with which the NSF must comply before the disposal of any ice pier.

A. Background on McMurdo Station Ice Pier

The construction of the ice pier at McMurdo Sound Station was explained in the **Federal Register** notice of January 7, 2003 (68 FR 775), and remains largely similar today. The current pier, however, contains fewer materials and is about half the size of the 2003 ice pier, and measures 354 feet long, 200 feet wide, and 15 feet thick. The current pier contains the following types and approximate quantities of materials: (a) 11,500 feet of one-inch steel cable embedded 5 feet from the bottom; (b) a 6 inch by 6 inch steel mesh embedded 10 feet from the bottom; (c) 650 feet of two-inch steel pipe; (d) eight steel bollards; and (e) 1,750 cubic yards of local gravel, 2 cm or smaller in size. When the pier has deteriorated to the point that it is not capable of being used the following season, the gravel is scraped off for use in the following season; all transportable equipment, materials, and debris are removed; and the pier is physically separated from its attachment to McMurdo Base at the end of the austral summer. The defunct pier is then towed by a U.S. Coast Guard cutter into McMurdo Sound past the distal end of the open channel in the ice, as near to the Ross Sea currents as possible. The pier is released in a direction that allows it to flow with the Ross Sea currents, away from the open channel in the ice. The pier then floats free within the ice pack, where it mixes with the annual sea ice and eventually disintegrates. The materials dumped under this general permit (other than ice, which melts naturally) include those materials used in construction of the ice pier that cannot be removed prior to disposal.

For background information on the McMurdo Station ice pier, the reader is referred to the **Federal Register** notice of January 7, 2003 (68 FR 775), which is

hereby incorporated by reference into this notice. The 2003 notice summarizes the permit action and provides supplementary information on several relevant topics. The 2003 notice also describes the history of NSF operations at McMurdo Station, the construction of the ice pier, and EPA's legal basis for issuance of the permit. The 2003 notice explains how the potential effects of the ice pier disposal on the human health and the environment were evaluated through testing and consultation with other agencies and determined to present a very small risk to the marine environment. The 2003 notice discusses EPA's basis for the conditions in the permit, including tracking and reporting requirements, and how the permit satisfies requirements of other relevant federal statutes. None of the facts regarding the background of the McMurdo Station Ice Pier described in Section A of the January 7, 2003, notice have changed.

B. Statutory and Regulatory Background

1. Marine Protection, Research, and Sanctuaries Act (MPRSA)

Section 102(a) of the MPRSA, 33 U.S.C. 1412(a) requires that agencies or instrumentalities of the United States obtain a permit to transport any material from any location for the purpose of dumping into ocean waters. MPRSA Section 104(c), 33 U.S.C. 1414(c), and EPA regulations at 40 CFR 220.3(a) authorize the issuance of a general permit under the MPRSA for the dumping of materials which have a minimal adverse environmental impact and are generally disposed of in small quantities. The towing of ice piers by the USCG from McMurdo Station for disposal at sea constitutes transportation of material for the purpose of dumping in ocean waters, and thus is subject to the MPRSA. EPA has determined that ocean disposal of the material associated with the ice piers is likely to cause only a minimal adverse environmental effect and represents comparatively small quantities of unrecoverable non-ice materials.

2. Obligations Under International Law

The Antarctic Science, Tourism, and Conservation Act of 1996 amended the Antarctic Conservation Act of 1978. This law is designed to implement the provisions of the Protocol on Environmental Protection to the Antarctic Treaty (''the Protocol''). The United States Senate ratified the Protocol on April 17, 1997, and it entered into force on January 18, 1998. The Protocol builds on the Antarctic Treaty to extend its effectiveness as a mechanism for ensuring protection of the Antarctic environment. The Protocol designates Antarctica as a natural reserve, devoted to peace and science, and sets forth basic principles and detailed, mandatory rules applicable to human activities in Antarctica. The Protocol prohibits all activities relating to mineral resources in Antarctica, except for scientific research, and commits signatories to the Protocol (known as Parties) to environmental impact assessment procedures for proposed activities, both governmental and private. Among other things, the Protocol also requires Parties to protect Antarctic flora and fauna, and imposes strict limitations on disposal of wastes in Antarctica and discharges of pollutants into Antarctic waters.

Several sets of regulations implement the legislation that, in turn, implements the Protocol, including: (a) NSF regulations regarding environmental impact assessment of proposed NSF actions in Antarctica (45 CFR part 641); (b) NSF waste regulations for Antarctica (45 CFR part 671); and (c) EPA regulations regarding environmental impact assessment of non-governmental activities in Antarctica (40 CFR part 8).

In this regard, EPA notes that the NSF completed a United States Antarctic Program (USAP) Environmental Impact Statement (EIS) (June 1980), a USAP Final Supplemental Environmental Impact Statement (SEIS) (October 1991), and an Initial Environmental Evaluation (May 1992). Since then, the NSF issued two Records of Environmental Review: Installation of Freeze Cells in Ice Piers (1998) and Use of Freeze Cells in Ice piers to Repair Cracks (2000). All these documents address various aspects of the construction, operation, and disposal of ice piers at McMurdo Station in Antarctica. None of these documents identify any potential environmental impacts from the disposal of ice piers. EPA considered the analyses contained in these five documents in re-issuance of the general permit for the NSF. The documents are available for review through the EPA docket for this action and at the Office of Polar Programs of the NSF, 4201 Wilson Boulevard, Arlington, VA 22230.

C. Potential Effects of Ice Pier Disposal

EPA's decision is based on findings regarding three areas of the ocean disposal of ice piers in ocean waters off the Antarctic: (1) The fate of the materials disposed in the ocean; (2) the potential effects of ice pier disposal on organisms in the polar environment, including whales, seals, bird species, and endangered and threatened species; and (3) environmental concerns associated with any operational discharges, leaks, or spills that may have contaminated the surface of the pier.

The materials contained in the ice pier that cannot be removed (11,500 feet of one-inch steel cable, steel mesh, steel bollards, and 650 feet of two-inch steel pipe) will, eventually, sink to the sea floor after the surrounding ice has melted. While the ice is slowly melting into the Antarctic Sea or the Southern Ocean, it is possible that steel mesh or loops of cable from partially melted layers of ice may hang temporarily from the floating pier. However, considering the normal behavior and mating habits of whales, seals, and sea birds, it is unlikely that these materials pose any danger to these species. Furthermore, EPA consulted both the Fish and Wildlife Service (FWS) in the Department of the Interior and the National Marine Fisheries Service (NMFS) in the Department of Commerce, and both agencies concluded that the disposal will not have any effect on endangered or threatened species.

In 1993 and, again, in 1994, NSF sampled the ice on the surface of the pier to assess the potential for contamination from discharges of gasoline and antifreeze. Contamination was detected in only one location directly under two 55-gallon fuel drums. In response, NSF issued a directive that all fuel drums shall be underlain with secondary containment methods. Also, as one of the conditions of the 2003 permit, NSF developed and now implements a spill prevention, control, and countermeasure (SPCC) plan for all the stations and bases under NSF jurisdiction in Antarctica to reduce the potential for adverse effects associated with any such spills. That plan, updated in 2012, is titled: Spill Prevention, Control, and Countermeasure (SPCC) Plan, McMurdo Station, McMurdo Sound, Antarctica. The SPCC plan includes a section addressing fuel storage and transfer systems for the ice pier at McMurdo Station. With the implementation of new protective measures in the updated 2012 plan, such as longer length hoses for unloading petroleum products from the annual supply tanker and new precautions taken in the handling and return to bases outside Antarctica of used or contaminated chemicals, solvents, and hazardous materials, the risks of any spill or any discharge of these materials is now lower than under the 2003 SPCC plan. There is considerable vehicular traffic on the ice

pier during the austral summer season, and the possibility of engine block leaks or discharges from these vehicles cannot be totally avoided. However, NSF has provided EPA reasonable assurance that every effort to mitigate the risk of leakages or discharges is being taken, including limits on the time that vehicles are parked on the pier and that no vehicles are ever parked on the pier overnight.

D. Discussion

Considering the information presented in the previous section, EPA finds that the potential effects of this disposal are minimal and in accordance with the statutory standards applicable to permit issuance under the MPRSA.

The general permit that EPA today re-issues to NSF and its agents for the ocean disposal of man-made ice piers from the NSF research station at McMurdo Sound, Antarctica, is subject to eight specific conditions applicable during the use and disposal of ice piers.

First, the general permit requires that NSF continue to maintain and implement an SPCC plan, consistent with the requirements of 40 CFR 112.3, for the ice pier that addresses:

(1) The unloading of petroleum products from supply tankers to the storage tanks at McMurdo Station;

(2) The unloading of drummed chemicals, petroleum products, and material from cargo freighters to supply depots at McMurdo Station;

(3) The loading of materials to freighters destined to be returned to bases outside Antarctica; and

(4) Methods to minimize the accidental release or discharge of any products to the ice pier.

Second, the general permit requires that the following clean-up and reporting procedures must be followed by NSF in the event of a spill or discharge on the ice pier:

(1) All spills or discharges must be cleaned up as soon as possible.

(2) If a spill or discharge occurs, clean-up procedures must be completed with a performance level such that no visible evidence of the spill or discharge remains.

Third, as part of normal permit monitoring requirements, an official record of the following information shall be kept by NSF:

(1) The date and time of all spills or discharges, the location of the spill or discharge, a description of the material that was spilled or discharged, the approximate volume of the spill or discharge, clean-up procedures employed, and the results of clean-up procedures;

(2) The approximate amount of the steel cables, steel pipe and steel mesh remaining in the ice pier at the time of its release;

(3) Any other visible substances remaining on the ice pier at the time of its release; and

(4) The date of detachment of the ice pier from McMurdo Station, and the geographic coordinates (latitude and longitude) of the point of final release of the pier in McMurdo Sound.

Fourth, the non-embedded ends of all wooden utility poles shall be cut off from the ice pier prior to disposal and shall not be disposed of in the ocean. Though the current ice pier design does not call for wooden poles, this condition is retained in case wooden poles are installed in the future.

The fifth condition requires certain actions be performed in preparation for disposal of the ice pier. All objects, excluding those embedded in the ice, shall be removed from the ice pier. This includes the removal, to the extent practicable, of the gravel surface. Also, NSF shall establish and implement a methodology to track the ice pier for one year after release. Such methodologies could include the use of satellite-tracked pingers placed on the ice pier, or any other methodology that enables data collection on the course, speed, and location of the ice pier. The permit requires the monitoring period of one year because that length of tracking data is expected to provide adequate evidence concerning the movement of the ice pier until it has completely melted and the ultimate fate of the materials in the pier.

When EPA first issued this permit, the Agency explained that if tracking results from the first three ice piers tracked after being disposed of from McMurdo Station demonstrated that all ice piers generally followed the same path over the same length of time for the one year following release, then EPA would consider whether it would require further tracking efforts and reporting under any future versions of this permit. To date, only two ice piers have been tracked after leaving McMurdo Station, in 1999 and 2011. Both of these ice piers followed similar paths in a general north-northwesterly direction into the Ross Sea after release or detachment. NSF has been unable to implement a tracking methodology with any other piers because all other piers have either broken away or inadvertently detached from the station. Tracking information from a third ice pier should provide adequate data to determine whether future detached piers follow the same general path and whether tracking requirements should be included in future versions of this permit.

Sixth, the general permit requires that NSF submit a report to the Director of the Oceans and Coastal Protection Division, in the EPA's Office of Water, by June 30 of every year as part of the annual reporting requirements. The report needs to inform EPA of: (1) Any spills, discharges, or clean-up procedures on the ice pier at McMurdo Station, (2) any ocean disposal of ice piers from McMurdo Station, and (3) any tracking efforts of ice piers disposed of from McMurdo Station under this general permit for the year preceding the date of the report.

The seventh and eighth conditions define the term ''ice pier'' and explain that the permit shall be valid for seven years, as per the MPRSA, respectively.

Any contaminants remaining on the surface of the piers after release are expected to be minimal and insignificant. The area over which the melting and disintegration of the piers occurs is immense. Thus, the dilution of contaminants in ocean waters should be adequate such that the potential for damage to the environment from ocean disposal of any McMurdo Station ice piers is minimal. In addition, the possibility of entanglement of large organisms in suspended loops of cable from the melting ice piers has been determined by EPA to be very minimal. (Further discussion of this issue can be found in ''C. Potential Effects of Ice Pier Disposal,'' above.)

Finally, the re-issuance of this permit to NSF does not in any way relieve NSF of meeting the United States' obligations under the Antarctic Protocol, the Antarctic Conservation Act, or the implementing regulations.

E. Responses to Comments Received

EPA received one comment during the public comment period. The comment raised objections to the reissuance of the permit on the basis that: The pier should be reused rather than dumped; the EIS from 1980 is no longer applicable; the danger of a chemical spill was underestimated; the impact on endangered species is not known; and the pier should be tracked for a longer period of time.

EPA disagrees that these concerns warrant rejecting the permit re-issuance application. The pier cannot be used for more than 3–5 years because damage sustained through normal use over time makes continued use unsafe. The findings of the 1980 EIS and the 1991 SEIS still validly show that the adverse impact of the ice pier on the environment will be minimal notwithstanding the passage of time

because the conditions required by the permit today are similar to or more protective than the conditions required at that time. EPA has concluded discussions with FWS and NMFS regarding the risk of entanglement to marine species and agreed that no effect is anticipated from that hypothetical situation. Finally, tracking the released ice pier for one year has allowed EPA and NSF to confidently determine the fate of materials used in the ice pier's construction. If future tracking data indicates that more than one year of tracking is needed to make this determination, then EPA will consider requiring a longer duration of tracking in future versions of this permit.

F. Statutory and Executive Order Reviews

1. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* is intended to minimize the reporting and record-keeping burden on the regulated community, as well as to minimize the cost of Federal information collection and dissemination. In general, the Act requires that information requests and record-keeping requirements affecting ten or more non-Federal respondents be approved by the Office of Management and Budget. Because this general permit affects only Federal agency record-keeping and reporting requirements, it is not subject to the requirements of the Paperwork Reduction Act.

2. Endangered Species Act

The Endangered Species Act (ESA) imposes duties on Federal agencies regarding endangered species of fish, wildlife, or plants and designated critical habitats. Section 7(a)(2) of the ESA and its implementing regulations (50 CFR Part 402) require agencies like EPA to ensure, in consultation with the Secretary of the Interior or of Commerce, that any action authorized, funded, or carried out by EPA in the United States or upon the high seas, is not likely to jeopardize the continued existence of any endangered or threatened species, or adversely affect their critical habitat.

In accordance with Section 7 of the ESA, EPA requested and received from both FWS and NMFS an endangered species list for the affected area of ocean disposal of ice piers from the NSF facility at McMurdo Station in Antarctica. No endangered, threatened, or candidate species are reported to potentially occur in the affected area.

EPA has discussed this matter with both FWS and NMFS, who have concluded that the ocean disposal of ice piers by NSF or its agents from McMurdo Station in Antarctica will have no effect on endangered or threatened species.

For the reasons stated above, EPA re-issues the general permit for NSF as follows:

Disposal of Ice Piers From McMurdo Station, Antarctica

The United States National Science Foundation (NSF) and its agents are hereby granted a general permit under sections 102(a) and 104(c) of the Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. 1412(a) and 1414(c), to transport ice piers from the McMurdo Sound, Antarctica, research station for the purpose of ocean dumping, subject to the following conditions:

(A) The NSF shall implement a spill prevention, control, and countermeasure (SPCC) plan, consistent with the requirements of 40 CFR 112.3, for the McMurdo Station ice pier. The SPCC plan shall address procedures for loading and unloading the following materials, and shall include methods to minimize the accidental release or discharge of any of the following materials to the ice pier:

(1) Petroleum products unloaded from supply tankers to the storage tanks at McMurdo Station;

(2) Drummed chemicals, petroleum products, and materials unloaded from cargo freighters to supply depots at McMurdo Station; and

(3) Materials loaded to freighters destined to be returned to bases outside Antarctica.

(B) If a spill or discharge occurs on an ice pier, clean-up procedures must be completed by NSF or its contractors with a performance level such that no visible evidence of the spill or discharge remains. All spills or discharges on an ice pier should be cleaned up soon as possible.

(C) As part of normal monitoring requirements, a record of the following information shall be kept by NSF:

(1) The date and time of all spills or discharges, the location of the spill or discharge, a description of the material that was spilled or discharged, the approximate volume of the spill or discharge, clean-up procedures employed, and the results of the clean-up procedures;

(2) The approximate length of the steel cables, steel pipe, and steel mesh remaining in the ice pier at the time of its release;

(3) Any other visible substances remaining on the ice pier at the time of its release; and

(4) The date of detachment of the ice pier from McMurdo Station, and the geographic coordinates (latitude and longitude) of the point of final release of the pier in McMurdo Sound or the Antarctic Sea.

(D) The non-embedded ends of all wooden utility poles and wooden bollards will be cut off from the ice pier prior to disposal, and shall not be disposed of in the ocean.

(E) Prior to the ocean disposal of any ice piers, the following actions shall be taken by NSF:

(1) Other than the matter embedded in the ice pier (i.e., the ends of light poles or bollards frozen in the pier, and the strengthening cables), all other objects (including the non-embedded portions of bollards used for maintaining a connection between the pier and the mainland, the non-embedded portions of poles used for lighting, power, or telephone connections, and any removable equipment, debris, or objects of anthropogenic origin), shall be removed from the pier.

(2) The gravel non-slip surface of the pier shall be removed to the maximum extent practicable and stored on the mainland for subsequent use.

(3) NSF shall implement a methodology to track the ice pier disposed of under this permit for a period of one year after disposal. NSF shall include the tracking data from this effort in the annual report that NSF is required to submit to EPA.

(F) NSF shall submit a report by June 30 of every year to the Director of the Oceans and Coastal Protection Division, in EPA's Office of Water, on (1) any spills, discharges, or clean-up procedures on the ice pier at McMurdo Station, (2) any ocean disposal of ice piers from McMurdo Station, and (3) any tracking efforts of ice piers released from McMurdo Station under this general permit for the year preceding the date of the annual report.

(G) For the purpose of this permit, the term ''ice pier(s)'' means those man-made ice structures containing embedded steel cable, mesh, and pipe, and any remaining gravel frozen into the surface of the pier, that are constructed at McMurdo Station, Antarctica, for the purpose of off-loading the annual provision of material and supplies for the base at McMurdo Station and other U.S. Antarctic bases, and for loading the previous year's accumulation of wastes, which are returned to the United States.

(H) This permit shall be valid for a period of seven years beginning 30 days after the date of publication in the **Federal Register**.

Dated: April 2, 2014.

Paul Cough,

Director, Oceans and Coastal Protection Division.

[FR Doc. 2014–09136 Filed 4–21–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9909–84–OA]

Notification of a Correction Regarding a Public Teleconference of the Clean Air Scientific Advisory Committee (CASAC) Ozone Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office published a notice in the **Federal Register** on April 9, 2014, concerning a public teleconference of the Clean Air Scientific Advisory Committee (CASAC) and the CASAC Ozone Review Panel. The notice contained an incorrect date and time of the teleconference.

In the **Federal Register** of April 9, 2014, in 79 FR 19613 in the second column, correct the **DATES** caption to read:

DATES: If additional time is needed following the May 28, 2013, teleconference, CASAC and the CASAC Panel will hold a teleconference on Wednesday, June 4, 2014, from 9:00 a.m. to 1:00 p.m. (Eastern Time).

FOR FURTHER INFORMATION CONTACT: Holly Stallworth, Designated Federal Officer, 202–564–2073.

Dated: April 16, 2014.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2014–09137 Filed 4–21–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting; Wednesday, April 23, 2014

Date: April 16, 2014.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, April 23, 2014. The meeting is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW., Washington, DC.

Item No.	Bureau	Subject
1	WIRELINE COMPETITION	TITLE: Connect America Fund (WC Docket No. 1090); Universal Service Reform—Mobility Fund (WT Docket No. 10–208); ETC Annual Reports and Certifications (WC Docket No. 14–58); Developing a Unified Intercarrier Compensation Regime (CC Docket No. 01–92); Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07–135). SUMMARY: The Commission will consider a Report and Order, Declaratory Ruling, Order, Memorandum Opinion and Order, and Seventh Order on Reconsideration taking significant steps to continue the implementation of the landmark reforms adopted in the 2011 USF/ICC Transformation Order to modernize universal service for the 21st century. An accompanying Further Notice of Proposed Rulemaking proposes measures to update and further implement the framework adopted by the Commission in 2011.
2	WIRELESS TELECOMMUNICATIONS AND OFFICE OF ENGINEERING & TECHNOLOGY.	TITLE: Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550–3650 MHz Band (GN Docket No.12–354). SUMMARY: The Commission will consider a Further Notice of Proposed Rulemaking that would implement an innovative three-tier spectrum sharing approach to make up to 150 megahertz of spectrum available for wireless broadband use in the 3550–3700 MHz band.

* * * * *

Consent Agenda

The Commission will consider the following subjects listed below as consent agenda and these items will not be presented individually:

Item No.	Bureau	Subject
1	MEDIA	TITLE: Application for a Construction Permit For a New FM Broadcast Station at Aguila, Arizona. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Entravision Holdings seeking review of a decision by the Media Bureau granting an application by Able Radio Corporation.
2	MEDIA	TITLE: Puerto Rico Public Broadcasting Corporation, Application for a Permit to Construct a New Noncommercial Educational FM Station at Mayaguez, Puerto Rico. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Puerto Rico Public Broadcasting Corporation seeking review of a waiver request dismissal by the Media Bureau.
3	MEDIA	TITLE: Chapin Enterprises, LLC, Application for a Construction Permit for a Minor Change to a Licensed Facility Applications for Minor Modification of a Construction Permit Station KVSS(FM), Papillion, Nebraska. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by William B. Clay seeking review of a minor modification grant by the Media Bureau.
4	MEDIA	TITLE: Galaxy Communications, L.P., Application for Modification of License Station WTKV(FM), Oswego, NY. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Galaxy Syracuse Licensee LLC seeking review of a waiver request denial by the Media Bureau.

Item No.	Bureau	Subject
5	MEDIA	TITLE: Applications of Clear Creek Radio, Inc. for a New NCE(FM) Station, Idaho Springs, Colorado; Fraser Valley Community Media, Inc. for a New NCE(FM) Station, Winter Park, Colorado; RV Ministries, Inc. for a New NCE(FM) Station, Fraser, Colorado; The North Fork Angling Society for a New NCE(FM) Station, Pine, Colorado. SUMMARY: The Commission will consider a Memorandum Opinion and Order concerning a joint Application for Review filed by Clear Creek Radio, Inc., Fraser Valley Community Media, Inc., The North Fork Angling Society, and RV Ministries, Inc., seeking review of a waiver request denial by the Media Bureau.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Meribeth McCarrick, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live* <*http://www.fcc.gov/live*>.

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by email at *FCC@BCPIWEB.com.*

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–09151 Filed 4–18–14; 11:15 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

The Commission gives notice that the following applicants have filed an application for an Ocean Transportation Intermediary (OTI) license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF) pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101). Notice is also given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a licensee.

Interested persons may contact the Office of Ocean Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523–5843 or by email at *OTI@fmc.gov.*

Alonso Shipping Company (NVO & OFF), 7855 NW 12th Street, Suite 216, Miami, FL 33126. Officer: Ana M. Segura, President (QI), Application Type: Add NVO Service.

Alpha Cargo Logistics, Corp. (OFF), 11410 SW. 42nd Terrace, Miami, FL 33165. Officer: Nancy M. Salazar, President (QI), Application Type: New OFF License.

Armstrong Export, Inc. (OFF), 2001 N.W. 93rd Avenue, Doral, FL 33172. Officer: Lewis R. Armstrong, President (QI), Application Type: Name Change to Armstrong Group International, Inc.

Baylink Global Logistics Inc. (OFF), 145–18 156th Street, Suite 211C, Jamaica, NY 11434. Officer: Jason Zhang, President (QI), Application Type: New OFF License.

Big Dog Group, Inc. (NVO & OFF), 1235 North Loop West, Suite 500, Houston, TX 77008. Officers: Daniel A. Kirk, Secretary (QI), Kirk A. Lane, President, Application Type: New NVO & OFF License.

Caesar International Logistics (LAX) Co. Ltd (NVO), 17595 Almahurst Road, Suite 201, City of Industry, CA 91748. Officers: Marie Li Mei, Vice President (QI), Ping Zhang, President, Application Type: New NVO.

CNC Worldwide, Inc. (NVO), 5343 W. Imperial Highway, Suite 300, Los Angeles, CA 90045. Officers: Eric Cheon, Secretary (QI), Henry Kim, President, Application Type: Transfer to Cosmo Express International Corp. dba CNC, Worldwide, Inc.

CTL Lax, Inc. (NVO), 4281 Katella Avenue, Suite 200, Los Alamitos, CA 90720. Officers: Tat (Stephen) W. Cho, Secretary (QI), Sin F. Chan, President, Application Type: QI Change.

Draco Freight Logistics Corporation (NVO & OFF), 8140 NW 74th Avenue, Suite 18, Medley, FL 33166. Officers: Leonardo Capra, President (QI), Luciano Menzes, Director, Application Type: Add OFF Service.

Efreightsolutions, LLC (NVO & OFF), 5021 Statesman Drive, Suite 200, Irving, TX 75063. Officers: Frank M. Ramirez, Assistant Secretary (QI), William S. Askew, Member/Manager, Application Type: Add OFF Service.

ENI Shipping Inc (NVO & OFF), 335 West Artesia Blvd., Compton, CA 90220. Officer: Hang (Kevin) D. Lee, President (QI), Application Type: Add OFF Service.

Exclusive Global Logistics, Inc. (NVO & OFF), 9635 Heinrich Hertz Drive, Suite 1, San Diego, CA 92154. Officers: Hyunkyoo Lim, CFO (QI), Bowhan Kim, President, Application Type: New NVO & OFF License.

Four Season Logistics Corporation (NVO), 243 Woodland Drive, Lincroft, NJ 07738. Officers: Jiade (Chad) Lu, Vice President (QI), Tianpeng Xu, President, Application Type: New NVO License.

Global Cargo Transportation, Inc. (NVO), 11856 Orange Street, Suite 814, Norwalk, CA 90650. Officer: Jisu (aka Andy) Shin, CEO (QI), Application Type: New NVO License.

Global Team USA LLC (NVO & OFF), 11301 Metro Airport Center Drive, Suite 170, Romulus, MI 48174. Officer: Petra Clark, Member/Manager (QI), Application Type: New NVO & OFF License.

Graceworld Incorporation (NVO & OFF), 14023 Crenshaw Blvd., Suite 6, Hawthorne, CA 90250. Officers: Tracey Strine, CFO (QI), Ugochukwu O. Ene, President, Application Type: New NVO & OFF License.

Hengfeng International Forwarding Corp. (NVO), 147 N. Sierra Bonita Avenue, Pasadena, CA 91106. Officers: Yu Hui (Maggie) Liu, Secretary (QI), Yijun Wang, President, Application Type: New NVO License.

Intell SCM LLC dba Island Cargo Support dba AWA Lines (NVO), 3910 Cover Street, Long Beach, CA 90808. Officers: Andrew P. Scott, CEO (QI), Alex F. Knowles, Director, Application Type: Name Change to Intelligent SCM LLC dba Awa Lines dba AWA Logistics dba Island Cargo Support dba American Worldwide Agencies.

Interglobal Logistics VE 2509, Inc. (NVO & OFF), 5951 NW. 151 Street, Suite 101, Miami Lakes, FL 33014. Officers: Mario Zamora, Secretary (QI), Yoel J. Rojas, President, Application Type: New NVO & OFF License.

J.A. Logistics, Inc. (NVO & OFF), 3905 W. Albany Street, McHenry, IL 60050. Officers: Peter Janetzki, COO (QI), Joseph M. Alger, President, Application Type: QI Change.

K & K Express, LLC dba K2 Logistics (NVO & OFF), 1521 Greens Road, Suite 300, Houston, TX 77032. Officers: Deborah E. England, Vice President of Exports (QI), Christiaan G. Walhof, CEO, Application Type: QI Change & Add NVO Service.

Latek Logistics USA Inc. (NVO & OFF), 300–2 Route 17 South, Unit E, Lodi, NJ 07644. Officers: Bas Kagen, Secretary (QI), Levent Erdogan, President, Application Type: Add Trade Name Chain Logistics.

Light Cone Logistics Inc. (NVO), 4656 160th Street, Flushing, NY 11358. Officers: Kwok (Henry) F. Siu, Vice President (QI), Yanhong Wang, President, Application Type: New NVO License.

Logifocus USA, Inc. (NVO & OFF), 1229 E. Walnut Street, Suite 101, Carson, CA 90746. Officer: Jonathan J. Park, President (QI), Application Type: New NVO & OFF License.

MI Logix, Inc (NVO), 160–42 Cross Island Parkway, Whitestone, NY 11357. Officer: Jin Soo Chun, President (QI), Application Type: New NVO License.

Miami Freight & Logistics Services, Inc. dba Miami Global Lines dba Miami Global Freight Lines, Inc. (NVO & OFF), 120 Ethel Road West, Piscataway, NJ 08854. Officers: Syed H. Hussaini, Director (QI), Mohamed Abouelmaati, Director, Application Type: New NVO & OFF License.

Montero Shipping Corp (NVO), 4846 NW 167th Street, Miami Gardens, FL 33014. Officers: Luis M. Ramirez, President (QI), Application Type: New NVO License.

NACA Logistics (USA), Inc. dba Vanguard Logistics Services, Vanguard, Ocean Express, Oceanexpress, Ocean World Shipping, OWS, Direct Container Line, DCL, Conterm Consolidation Services, Conterm, Brennan International Transport, Brennan, 5000 Airport Plaza Drive, Suite 200, Long Beach, CA 90815. Officers: Ank J. De Roos, Director (Global Compliance) QI, Hans Mikkelsen, President, Application Type: Name Change to Vanguard Logistics Services (USA), Inc. dba Vanguard Logistics Services dba Vanguard dba Brennan International Transport, dba Brennan, dba Conterm Consolidation Services, dba Conterm, dba Direct Container Line, dba DCL, dba Ocean World Shipping, dba OWS, dba Ocean Express, dba Oceanexpress.

NEC Logistics America, Inc. (NVO & OFF), 18615 Ferris Place, Rancho Dominguez, CA 90220. Officers: Nobuko Tochigi, Assistant Secretary (QI), Kazuhiko Takahashi, President, Application Type: QI Change & Name Change to Nippon Express NEC Logistics America, Inc.

Pacific Removal Services, Inc. dba World International Forwarding Co. (OFF), 4201 Long Beach Blvd., Suite 402, Long Beach, CA 90807. Officer: Joseph W. Lovejoy, President (QI), Application Type: QI Change.

Paramount Marine Services (OFF), 4648 Montefino Drive, Cypress, CA 90630. Officer: Vivian Liu, President (QI), Application Type: New OFF License.

Performance Logistics, Inc. (NVO), 901 W. Spruce Avenue, Inglewood, CA 90301. Officer: Jae Y. Choi, President (QI), Application Type: New NVO License.

Posner, Corp. (NVO & OFF), 610 Caitlyn Ct., Houston, TX 77094. Officers: Humphrey T. Okonkwo, Vice President (QI), Victor Byaly, President, Application Type: QI Change.

RKM International LLC (NVO), 76 Division Street, Holtsville, NY 11742. Officers: Kathleen Fox, Member/Manager (QI), Robert Sturdivant, Member/Manager, Application Type: New NVO License.

Southport C.F.S. Corp. (NVO), 10943 NW 122 Street, Medley, FL 33178. Officer: Maria V. Arbelaez, President (QI), Application Type: New NVO License.

Sunivo America LLC (NVO & OFF), 3050 Post Oak Blvd., Suite 520, Houston, TX 77056. Officers: Thomas C. Coulbourne, Corporate Secretary (QI), Tony Sit, Manager, Application Type: New NVO & OFF License.

Swift International Logistics, Inc. (NVO), 3 Powell Drive, West Orange, NJ 07052. Officer: Michelle Dachot, President (QI), Application Type: New NVO License.

The ILS Company, LLC (OFF), 8350 E. Old Vail Road, Tucson, AZ 85747. Officers: Juan C. Seldner, Manager (QI), Luis F. Seldner, Manager, Application Type: New OFF License.

Tradewings USA Corp. (NVO & OFF), 14100 NW 60th Avenue, Suite 100, Miami, FL 33014. Officers: Nilda H. Alonso, Assistant Secretary (QI), Ian M. Taylor, President, Application Type: QI Change.

Trimex Group, Incorporated (NVO), 4080 Woodstock Road, Hayward, CA 94542. Officers: Edward S. Park, President (QI), Susan S. Park, Director, Application Type: QI Change.

Windward Logistics, LLC (NVO), 6750 NW. 79th Avenue, Miami, FL 33166. Officers: Carlos Rice, President (QI), Jorge Oria, Member, Application Type: QI Change.

Worldwide Transport Company, L.L.C. (NVO & OFF), 150 River Road, Unit H4, Montville, NJ 07045. Officer: Margherita Dimuro, Member (QI), Application Type: New NVO & OFF License.

Zitao Yang dba YC International Company (NVO), 221 Boston Post Road East, Suite #420, Marlborough, MA 01752. Officers: Zitao (aka Ted) Yang, President (QI), Chengyao Cao, Shareholder, Application Type: Business Structure Change to YC International Group Company Inc.

Dated: April 16, 2014.

By the Commission.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–09097 Filed 4–21–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations and Terminations

The Commission gives notice that the following Ocean Transportation Intermediary licenses have been revoked or terminated for the reason indicated pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101) effective on the date shown.

License No.: 001882N.
Name: New England Household Moving & Storage, Inc.
Address: 104 Bartzak Drive, Holliston, MA 01746
Date Revoked: March 5, 2014.
Reason: Voluntary surrender of license.

License No.: 2696F.
Name: Max International Forwarders Corp.
Address: 1530 NW 98th Court, Miami, FL 33172.
Date Revoked: March 2, 2014.
Reason: Failed to maintain a valid bond.

License No.: 3664F.
Name: Davis Freight Systems, Inc.
Address: 7722 NW 56th Street, P.O. Box 526706, Miami, FL 33152.
Date Revoked: March 9, 2014.
Reason: Failed to maintain a valid bond.

License No.: 4338F.
Name: Nick Rendon III International Inc.
Address: 139 Mitchell Avenue, Suite 216, South San Francisco, CA 94080.
Date Revoked: March 2, 2014.
Reason: Failed to maintain a valid bond.

License No.: 014713N.
Name: Seagull Container Line Inc.
Address: 167–25 Rockaway Boulevard, Jamaica, NY 11434.
Date Revoked: March 13, 2014.
Reason: Failed to maintain a valid bond.

License No.: 014824NF.
Name: Crescent Line Inc. dba Globe Express Services.
Address: 535 Regal Row, Dallas, TX 75247.
Date Revoked: March 20, 2014.
Reason: Voluntary surrender of license.

License No.: 016568N.
Name: 5K Logistics, Inc. dba Haul of Fame Lines.
Address: 1090 York Road, Warminster, PA 18974.
Date Revoked: March 13, 2014.
Reason: Failed to maintain a valid bond.

License No.: 017374N.
Name: Daystar Line, Inc.
Address: 520 West Country Club Drive, Unit J, Second Floor, Egg Harbor City, NJ 08215.
Date Revoked: March 12, 2014.
Reason: Failed to maintain a valid bond.

License No.: 017859N.
Name: Top Line Logistics Inc.
Address: 150–30 132nd Avenue, Suite 208, Jamaica, NY 11413.
Date Revoked: March 19, 2014.
Reason: Failed to maintain a valid bond.

License No.: 018182N.
Name: Sea-Line-Cargo, Inc.
Address: 736 Route 17 North, Rear Office DRD, Paramus, NJ 07652.
Date Revoked: April 1, 2014.
Reason: Voluntary surrender of license.

License No.: 018714N.
Name: La World Express Inc. dba Guangyi USA.
Address: 23048 Maple Avenue, Torrance, CA 90505.
Date Revoked: March 12, 2014.
Reason: Failed to maintain a valid bond.

License No.: 018824F.
Name: Christopher Onyekwere dba Aqua Maritime Services.
Address: 3639 Campfield Court, Katy, TX 77449.
Date Revoked: March 23, 2014.
Reason: Failed to maintain a valid bond.

License No.: 018867N.
Name: Oceanika Express, Inc.
Address: 8211 NW 68th Street, Miami, FL 33166.
Date Revoked: March 16, 2014.
Reason: Failed to maintain a valid bond.

License No.: 018904N.
Name: K & K Express, LLC dba K2 Logistics.
Address: 1521 Greens Road, Suite 300, Houston, TX 77032.
Date Revoked: March 2, 2014.
Reason: Failed to maintain a valid bond.

License No.: 018930F.
Name: Vanik International, Inc.
Address: 6301 South Cass Avenue, Suite 200, Westmont, IL 60559.
Date Revoked: March 21, 2014.
Reason: Failed to maintain a valid bond.

License No.: 020391NF.
Name: Fresh Logistics, LLC.
Address: 4300 Church Street, Sauget, IL 62207.
Date Revoked: March 15, 2014.
Reason: Failed to maintain valid bonds.

License No.: 021687N.
Name: Confianca Moving, Inc. dba CWM Logistics.
Address: 14452 South Avalon Blvd., Unit E, Gardena, CA 90248.
Date Revoked: March 5, 2014.
Reason: Failed to maintain a valid bond.

License No.: 022950N.
Name: Realco Transportation Group USA, Inc.
Address: 9420 Telestar Avenue, Suite 200, El Monte, CA 91731–2902.
Date Revoked: March 19, 2014.
Reason: Voluntary surrender of license.

License No.: 023062F.
Name: A & M Ocean Machinery, Inc.
Address: 9725 Fontainebleau Blvd., Suite 103, Miami, FL 33172.
Date Revoked: March 7, 2014.
Reason: Failed to maintain a valid bond.

License No.: 023373N.
Name: African Mediterranean Lines Inc.
Address: AMCI Bldg. Jezine Street, Saida, Lebanon.
Date Revoked: March 25, 2014.
Reason: Voluntary surrender of license.

License No.: 023730F.
Name: Webgistix Corporation.
Address: 127 E. Warm Springs Road, Suite A, Las Vegas, NV 89119.
Date Revoked: March 7, 2014.
Reason: Failed to maintain a valid bond.

License No.: 024099F.
Name: Brookfield Relocation Inc.
Address: Two Corporate Drive, Suite 440, Shelton, CT 06484.
Date Revoked: March 21, 2014.
Reason: Voluntary surrender of license.

License No.: 024170N.
Name: Contract Logistics, LLC dba Smart Lines Worldwide.
Address: 4911 N. Portland Avenue, Suite 200, Oklahoma City, OK 73112.
Date Revoked: March 21, 2014.
Reason: Failed to maintain a valid bond.

License No.: 024383NF.
Name: AFC LS, LLC.
Address: 10752 Deerwood Park Blvd. S., Waterview II, Suite 100, Jacksonville, FL 32256.
Date Revoked: March 20, 2014.
Reason: Voluntary surrender of license.

Sandra L. Kusumoto,
Director, Bureau of Certification and Licensing.

[FR Doc. 2014–09098 Filed 4–21–14; 8:45 am]
BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices

of the Board of Governors. Comments must be received not later than May 7, 2014.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Greg Allen, as trustee or co-trustee for the Teresa Grindstaff Trust U/I William Cooper General Trust, Teresa Grindstaff Perpetuity Trust, Teresa Grindstaff IRA, Teresa Grindstaff 2012 Family Trust, Walker Family Trust U/I William Cooper General Trust, Tammy Walker Perpetuity Trust, Walker Family IRA, Greg Allen U/I William Cooper, Jane Allen Trust, and Greg E. Allen IRA,* all of Farmington, Missouri; to retain voting shares of First State Bancshares, Inc., Farmington, Missouri, and thereby indirectly retain voting shares of First State Community Bank, Farmington, Missouri.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *The Robert C. Asmus Equity Interests Trust and Steven R. Bloch, individually and as trustee,* both of Omaha, Nebraska; to acquire voting shares of Enterprise Holding Company, and thereby indirectly acquire voting shares of Enterprise Bank, both in Omaha, Nebraska.

Board of Governors of the Federal Reserve System, April 17, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–09107 Filed 4–21–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Division of Consumer and Business Education; Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: 30-day notice of submission of information collection approval from the Office of Management and Budget (''OMB'') and request for comments.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the FTC is submitting a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to OMB for approval under the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.).

DATES: Comments must be submitted by May 22, 2014.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''FTC Generic Clearance ICR, Project No. P035201'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/genericclearancepra2* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Nicole Fleming at 202–326–2372.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

The FTC received no comments in response to the 60-day notice published in the **Federal Register** on February 4, 2014 (79 FR 6592).

Below are the FTC's projected average annual estimates for the next three years:

Current Actions: New collection of information

Type of Review: New collection

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government

Average Expected Annual Number of Activities: 3

Respondents: 1,680 [1]

Frequency of Response: Once per request

Annual Responses: 1,680

Average Minutes Per Response: 22 (rounded to nearest whole minute)

Burden Hours: 615

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 control number for the existing clearance (expiring May 31, 2014) is 3084–0159. The FTC seeks renewed three-year clearance under this control number for the prospective collection of information and the associated burden estimates.

Request for Comment

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or

[1] Projected activities: (1) Three customer satisfaction surveys per year, 500 respondents each (surveys to get feedback about major campaigns, publications, Web sites, branding and other consumer and business education products to test their appeal and effectiveness), 25 hours per response; (2) Six focus groups per year, 10 respondents each (to test education products and Web sites), 2 hours per response; and (3) Ten usability sessions per year, 12 respondents per Web site (to test the usability of FTC Web sites by inviting people to complete common tasks on those sites), 1 hour per response.

before May 22, 2014. Write ''FTC Generic Clearance ICR, Project No. P035201'' 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 doesn't 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 doesn't include any sensitive health information, like medical records or other individually identifiable health information. In addition, don't include any ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential . . ., '' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). 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).[2] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/genericclearancepra2* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''FTC Generic Clearance ICR, Project No. P035201'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Comments on any proposed information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5167.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before May 22, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2014–09173 Filed 4–21–14; 8:45 am]

BILLING CODE 6750–01–P

[2] 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).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration; Delegation of Authorities

Notice is hereby given that I have delegated to the Commissioner, Food and Drug Administration (FDA), with authority to re-delegate, the authorities vested in the Secretary of the Department of Health and Human Services under the Drug Quality and Security Act (DQSA), Public Law 113–54, insofar as these authorities pertain to the functions and operations of FDA. This delegation includes, but is not limited to, authority to communicate with state Boards of Pharmacy under Section 105 of the DQSA.

This delegation shall be exercised in accordance with the Department's applicable policies, procedures, and guidelines.

I hereby affirm and ratify any actions taken by the Commissioner, FDA, or other FDA officials that involved the exercise of these authorities prior to the effective date of this delegation.

This delegation of authorities is effective upon date of signature.

Authority: 44 U.S.C. 3101.

Dated: April 11, 2014.

Kathleen Sebelius,

Secretary.

[FR Doc. 2014–09033 Filed 4–21–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''SelectMD 2.0 Clinician Choice Experiment.'' In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal**

Register on January, 29th 2014 and allowed 60 days for public comment. One comment was received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by May 22, 2014.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@ahrq.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

SelectMD 2.0 Clinician Choice Experiment

This study builds on previous research conducted as part of the Consumer Assessment of Healthcare Providers and Systems (CAHPS) program to explore new ways of integrating patient comments with other performance metrics in web-based quality reports for consumers to support their choice of physicians. Our previous consumer choice study, referred to as SelectMD 1.0 (approved by OMB on 3/8/10 under OMB Control Number 0935–0161), revealed important risks and opportunities of using patient comments that require additional research in order to develop effective guidance for report sponsors. Sponsors of performance reports in both the public and private sectors, including Federal agencies such as the Centers for Medicare & Medicaid Services (CMS), have indicated strong interest in receiving such guidance on strategies for effectively incorporating patient comments to increase consumers' use of public reports and to enhance their ability to interpret CAHPS and other performance measures.

This follow-on study (referred to as SelectMD 2.0) will use an experimental design to test different methods of incorporating patient comments along with CAHPS survey results, the Healthcare Effectiveness Data and Information Set (HEDIS)-like measures of effective clinical treatments, and indicators of patient safety in web-based physician quality reports. The study will help AHRQ understand how people choose a doctor as their regular source of medical care and advice.

The study has three stages. In the first stage, respondents will be asked some questions about their health care experiences and how they go about choosing a doctor. In the second stage the respondents will log onto an experimental Web site that has information about a fictitious set of doctors from which to choose. Respondents will be asked to use the information on the Web site to select a doctor who they think would be the best for their health care needs. Although they will not really be selecting a doctor, they will be asked to consider the choice as carefully as if they were making it for themselves. In the third stage, following their selection of a doctor, respondents will answer a set of questions about how they made their choice of doctor, how useful they found the Web site, and how confident they were in the choice they made.

This research has the following goals:

(1) to expand on the findings from AHRQ's previous choice experiment regarding how including narrative patient comments in web-based physician quality reports influences the ways in which consumers learn about and select among clinicians, and

(2) to assess whether and how patient comments can be presented in a way that promotes learning about physician quality and complements rather than detracts from standardized measures of quality.

This study is being conducted by AHRQ through its contractors, RAND and Yale University, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of this project the following data collections will be implemented over the three stages of the experiment:

(1) Pre-Choice Survey—The purpose of this survey is to measure the respondents' previous exposure to information on health care provider performance and how they go about choosing a physician.

(2) Experimental Web site—The purpose of this site is to present different combinations and displays of performance information that respondents will use to select a doctor. Respondents will be randomly assigned to one of eight different versions of the experimental SelectMD Web site that will vary according to the level of detail presented, how patient comments are grouped and labeled, whether respondents can choose which and how much information to review, and whether respondents have access to live telephone assistance when making their choices.

(3) Post-Choice Survey—The purpose of the post-choice survey is to assess how respondents made their doctor selection, how useful the Web site version assigned to them was in helping to make their choice, and how confident they are in the choice they made. Responses to the post-choice survey will provide insights into which of the experimental Web site versions are more effective in supporting consumer choice of doctors and why.

The results of this study will be used to develop recommendations for helping consumers to better understand and more effectively use complex information to select health care providers, with the aim of making performance information less burdensome and more accessible, useful, and transparent to the public. In particular, the study findings will inform the design and content of the growing number of web-based reports on provider performance incorporating patient comments along with other measures of quality. By adding to the evidence base on the types and combination of information that are most salient and useful to consumers in choosing among provider options, the study will make a significant contribution to improving current reporting initiatives. In addition, the simulated web-based reports will be made available as examples for other report developers to use.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this experiment. The portion of the experiment involving respondent participation will take place over a period of approximately two months, once OMB approval has been received. All participants will complete the pre-choice survey, which is estimated to take 10 minutes. To assess the impact of their exposure to the SelectMD Web site, several questions on the initial pre-choice survey are replicated on the post-choice questionnaire. To reduce the likelihood that respondents will simply repeat the answers that they provided on the pre-choice survey (in an effort to appear consistent), it is essential to allow some time to elapse between the two surveys. Consequently, participants will not have access to the SelectMD Web site until one week after completing the pre-choice survey. Since

we expect that about 5% of participants taking the pre-choice survey will not return to participate in the experiment one week later, the number of respondents initially required is 5% higher (1,575) than the full sample of 1,500 required for the experiment. We estimate based on our previous experience with the SelectMD 1.0 experiment that participants will require about 10 minutes to review the information on the Web site and select their preferred physician from the set of doctors available. The average time required to complete the post-choice survey is estimated to be 20 minutes. Consequently, respondents will average about 40 minutes completing all three phases of the study.

Exhibit 2 shows the respondents' cost burden for their time to participate in this experiment. The total cost burden is estimated to be $22,297.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hour per response (min/60)	Total burden hours
Pre-Choice Survey	1575	1	10/60	263
Time on Website (Choosing MD)	1500	1	10/60	250
Post-Choice Survey	1500	1	20/60	500
Total Hours	4,575	na	na	1,013

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Pre-Choice Survey	1575	263	$22.01	$5,789
Time on Website (Choosing MD)	1500	250	22.01	5,503
Post-Choice Survey	1500	500	22.01	11,005
Total Cost				22,297

* Based upon the national mean hourly wage for all occupations from the "May 2012 Occupational Employment and Wage Estimates", U.S. Department of Labor, Bureau of Labor Statistics.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: April 9, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–09168 Filed 4–21–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0374]

Postmarketing Requirements for the Class-Wide Extended-Release/Long-Acting Opioid Analgesics; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting to obtain stakeholder input on the design and conduct of the postmarketing requirements (PMRs) for the class-wide extended-release/long-acting (ER/LA) opioid analgesic drug products to further assess the serious risks of misuse, abuse, hyperalgesia, addiction, overdose, and death associated with their long-term use.

FDA is seeking input on these issues from stakeholders, including patients, academia, researchers, State and other Federal regulators, health care organizations, health care providers, the pharmaceutical industry, and others from the general public.

DATES: The public meeting will be held on May 19 and 20, 2014, from 8 a.m. to 5 p.m. Individuals who wish to present at the meeting must register by May 9, 2014. See section III under the **SUPPLEMENTARY INFORMATION** section for information on how to register to speak at the meeting.

ADDRESSES: The public meeting will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Participants must enter through Building 1 and undergo security screening. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Submit either electronic or written comments by June 19, 2014. 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 all comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Janelle Derbis, Center for Drug Evaluation and Research, Food and Drug Administration, 20 North Michigan Ave., Suite 510, Chicago, IL 60602, 312–596–6516, FAX: 312–886–

1682, email: *ERLAOpioidPMRMeeting@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is committed to improving the safe and appropriate use of ER/LA opioid analgesics and preserving appropriate access for those patients who rely on these medications to manage their pain. In May 2012, FDA hosted a scientific workshop to discuss the assessment of analgesic treatment of chronic pain, during which presenters raised concerns about the safe and appropriate use of opioid analgesics.[1] Over the past 2 years, FDA has reviewed numerous submissions to Agency dockets, including citizen petitions and comments to petitions, and relevant literature about the benefits and risks associated with opioid drug products, including the serious risks of misuse, abuse, hyperalgesia, addiction, overdose, and death associated with the long-term use of ER/LA opioid analgesics. FDA has concluded that more data are needed regarding these serious risks.

FDA described these data requirements in its September 10, 2013, letter to all new drug application (NDA) applicants for ER/LA opioid analgesics. Data are needed to address the following issues:

- The incidence of and risk factors for misuse, abuse, addiction, overdose, and death associated with long-term use of opioids for chronic pain.
- Validated measures of misuse, abuse, addiction, overdose, and death.
- Validated coded medical terminologies used to identify misuse, abuse, addiction, overdose, and death.
- Validated definitions of ''doctor/pharmacy shopping'' as outcomes suggestive of misuse, abuse, and addiction.
- The serious risk of developing hyperalgesia following use of ER/LA opioid analgesics for at least 1 year to treat chronic pain.

In the September 10, 2013, letter, FDA informed the ER/LA opioid analgesic NDA application holders of the requirement to conduct postapproval studies (also referred to as postmarketing requirements or PMRs) and established milestone dates for completion of those studies, which include observational studies and a clinical trial (see section II for more details). The deadline for the applicants' final protocol submissions is August 2014.

II. Purpose and Scope of Meeting

The purpose of this public meeting is to obtain stakeholder input on the design and conduct of the PMRs (described in the following paragraph) for the ER/LA opioid analgesic drug products to assess the serious risks of misuse, abuse, hyperalgesia, addiction, overdose, and death associated with their long-term use. FDA and NDA applicants will consider stakeholder input when preparing final protocols to be submitted by August 2014.

The PMRs described in FDA's September 10, 2013, letter to NDA applicants of ER/LA opioid analgesics are as follows:

(1) PMR # 2065–1: Conduct one or more studies to provide quantitative estimates of the serious risks of misuse, abuse, addiction, overdose, and death associated with long-term use of opioid analgesics for management of chronic pain among patients prescribed ER/LA opioid products. Include an assessment of risk relative to efficacy.

These studies should address at a minimum the following specific aims:

a. Estimate the incidence of misuse, abuse, addiction, overdose, and death associated with long-term use of opioids for chronic pain. Stratify misuse and overdose by intentionality wherever possible. Examine the effect of product/formulation, dose and duration of opioid use, prescriber specialty, indication, and other clinical factors (e.g., concomitant psychotropic medications, personal or family history of substance abuse, and history of psychiatric illness) on the risk of misuse, abuse, addiction, overdose, and death.

b. Evaluate and quantify other risk factors for misuse, abuse, addiction, overdose, and death associated with long-term use of opioids for chronic pain, including, but not limited to, the following: Demographic factors, psychosocial/behavioral factors, medical factors, and genetic factors. Identify confounders and effect modifiers of individual risk factor/outcome relationships. Stratify misuse and overdose by intentionality wherever possible.

(2) PMR # 2065–2: Develop and validate measures of the following opioid-related adverse events: Misuse, abuse, addiction, overdose, and death (based on the Department of Health and Human Services' definition, or any agreed upon definition), which will be used to inform the design and analysis for PMR # 2065–1 and any future postmarketing safety studies and clinical trials to assess these risks. This can be achieved by conducting an instrument development study or a validation study of an algorithm based on secondary data sources.

(3) PMR # 2065–3: Conduct a study to validate coded medical terminologies (e.g., ICD9, ICD10, and SNOMED) used to identify the following opioid-related adverse events: Misuse, abuse, addiction, overdose, and death in any existing postmarketing databases to be employed in the studies. Stratify misuse and overdose by intentionality wherever possible. These validated codes will be used to inform the design and analysis for PMR # 2065–1.

(4) PMR # 2065–4: Conduct a study to define and validate ''doctor/pharmacy shopping'' as outcomes suggestive of misuse, abuse, and addiction. These validated codes will be used to inform the design and analysis for PMR # 2065–1.

(5) PMR # 2065–5: Conduct a clinical trial to estimate the serious risk for the development of hyperalgesia following use of ER/LA opioid analgesics for at least 1 year to treat chronic pain. We strongly encourage you to use the same trial to assess the development of tolerance following use of ER/LA opioid analgesics. Include an assessment of risk relative to efficacy.

III. Attendance and Registration

Attendance is free and will be on a first-come, first-served basis. Individuals who wish to present at the public meeting must register on or before May 9, 2014, at *https://erlaopioidpmrmeeting.eventbrite.com*. In section II, FDA has listed the PMRs. You should identify which PMR(s) you wish to address in your presentation, or whether your comments apply to all PMRs, so FDA can consider that in organizing the presentations. FDA will do its best to accommodate requests to speak and will determine the amount of time allotted to each presenter and the approximate time that each oral presentation is scheduled to begin. An agenda and additional meeting background material will be available approximately 2 weeks before the meeting at *http://www.fda.gov/Drugs/NewsEvents/ucm384489.htm.*

Individuals who wish to attend the meeting but do not wish to make a presentation should register by May 12, 2014. Onsite registration on the day of the meeting will be based on space availability.

If you need special accommodations due to a disability, please contact Janelle Derbis (see **FOR FURTHER**

[1] Assessment of Analgesic Treatment of Chronic Pain: A Scientific Workshop (see *http://www.fda.gov/Drugs/NewsEvents/ucm283979.htm*). Information and comments from that workshop are available at *www.regulations.gov,* Docket No. FDA–2012–N–0067.

INFORMATION CONTACT) at least 7 days in advance.

A live Web cast of this meeting will be viewable at *https://collaboration.fda.gov/opmr/* on the day of the meeting. A video record of the meeting will be available at the same Web address for 1 year.

IV. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. To ensure consideration, submit comments by June 19, 2014. 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.*

V. Transcripts

As soon as possible after a transcript of the public meeting is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (see **ADDRESSES**). 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.

Dated: April 17, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–09123 Filed 4–21–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0398]

Eli Lilly and Company, et al.; Withdrawal of Approval of 3 New Drug Applications and 41 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 3 new drug applications and 41 abbreviated new drug applications (ANDAs) from multiple applicants. The holders of the applications notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Effective May 22, 2014.

FOR FURTHER INFORMATION CONTACT: Florine P. Purdie, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6366, Silver Spring, MD 20993–0002, 301–796–3601.

SUPPLEMENTARY INFORMATION: The holders of the applications listed in table 1 in this document have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications under the process in § 314.150(c) (21 CFR 314.150(c)). The applicants have also, by their requests, waived their opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) is without prejudice to refiling.

TABLE 1—REQUESTS TO WITHDRAW APPROVAL OF APPLICATIONS

Application No.	Drug	Applicant
NDA 050440	Keflet (cephalexin) Tablets	Eli Lilly and Co., Lilly Corporate Center, Indianapolis, IN 46285.
NDA 050614	Keftab (cephalexin hydrochloride) Tablets	Do.
NDA 050673	Ceclor CD (cefaclor) Tablets	Do.
ANDA 075457	Famotidine Tablets USP, 20 milligrams (mg) and 40 mg	Mylan Pharmaceuticals, Inc., 781 Chestnut Ridge Rd., P.O. Box 4310, Morgantown, WV 26505–4310.
ANDA 075559	Butorphanol Tartrate Injection USP, 1 mg/milliliter (mL) and 2 mg/mL.	Hospira, Inc., 275 North Field Dr., Lake Forest, IL 60045.
ANDA 075572	Buspirone HCl Tablets USP, 5 mg, 10 mg, and 15 mg	Nesher Pharmaceuticals (USA) LLC, 13910 St. Charles Rock Rd., Bridgeton, MO 63044.
ANDA 075594	Pamidronate Disodium for Injection, 30 mg/vial and 90 mg/vial.	Teva Parenteral Medicines, Inc., 19 Hughes, Irvine, CA 92618.
ANDA 075609	Doxazosin Mesylate Tablets, 1 mg, 2 mg, 4 mg, and 8 mg	Nesher Pharmacueticals (USA) LLC.
ANDA 075613	Bupropion HCl Tablets, 75 mg and 100 mg	Sandoz Inc., 2555 W. Midway Blvd., Broomfield, CO 80038–0446.
ANDA 075627	Acyclovir Injection, 50 mg/mL	Teva Parenteral Medicines, Inc.
ANDA 075730	Thiotepa for Injection USP, 15 mg/vial and 30 mg/vial	Do.
ANDA 075793	Famotidine Tablets USP, 20 mg and 40 mg	Sandoz Inc.
ANDA 075847	Oxaprozin Tablets USP, 600 mg	Mylan Pharmaceuticals, Inc.
ANDA 075905	Famotidine Injection, 10 mg/mL	Hospira, Inc.
ANDA 075943	Etodolac Extended-Release Tablets, 400 mg, 500 mg, and 600 mg.	Sandoz Inc.
ANDA 075950	Fluvoxamine Maleate Tablets, 50 mg and 100 mg	Mylan Pharmaceuticals, Inc.
ANDA 076018	Amiodarone HCl Injection, 50 mg/mL	Bedford Laboratories, 300 Northfield Rd., Bedford, OH 44146.
ANDA 076042	Fluconazole Tablets, 50 mg, 100 mg, 150 mg, and 200 mg	Mylan Pharmaceuticals, Inc.
ANDA 076044	Potassium Chloride Extended-Release Tablets USP, 20 milliequivalents.	Nesher Pharmaceuticals (USA) LLC.
ANDA 076088	Amiodarone HCl Injection, 50 mg/mL	Bedford Laboratories.
ANDA 076193	Propafenone HCl Tablets, 150 mg, 225 mg, and 300 mg	Nesher Pharmaceuticals (USA) LLC.
ANDA 076259	Milrinone Lacate in 5% Dextrose Injection	Baxter Healthcare Corp., 25212 W. Illinois Route 120, Round Lake, IL 60073.
ANDA 076299	Amiodarone HCl Injection, 50 mg/mL	Bedford Laboratories.

TABLE 1—REQUESTS TO WITHDRAW APPROVAL OF APPLICATIONS—Continued

Application No.	Drug	Applicant
ANDA 076315	Topiramate Tablets, 25 mg, 100 mg, and 200 mg	Barr Laboratories, Inc., an indirect, wholly owned subsidiary of Teva Pharmaceuticals USA, 400 Chestnut Ridge Rd., Woodcliff Lake, NJ 07677.
ANDA 076372	Brimonidine Tartrate Ophthalmic Solution, 0.2%	Teva Parenteral Medicines, Inc.
ANDA 076398	Tamoxifen Citrate Tablets USP, 10 mg and 20 mg	Aegis Pharmaceuticals PLC, c/o GlobePharm Inc., 313 Pine St., Suite 204, Deerfield, IL 60015.
ANDA 076424	Fluconazole Tablets, 50 mg, 100 mg, 150 mg, and 200 mg	Pliva Inc., c/o Barr Laboratories Inc., an indirect, wholly owned subsidiary of Teva Pharmaceuticals USA, U.S. Agent, 400 Chestnut Ridge Rd., Woodcliff Lake, NJ 07677.
ANDA 076448	Topiramate Capsules, 15 mg and 25 mg	Barr Laboratories, Inc.
ANDA 076529	Loratadine Syrup (loratadine oral solution USP), 1 mg/mL	Ranbaxy Laboratories Limited, c/o Ranbaxy Inc., U.S., 600 College Rd. East, Princeton, NJ 08540.
ANDA 076540	Sertraline HCl Tablets, 25 mg, 50 mg, and 100 mg	Mylan Pharmaceuticals, Inc.
ANDA 076612	Benazepril HCl and Hydrochlorothiazide Tablets, 5 mg/6.25 mg, 10 mg/12.5 mg, 20 mg/12.5 mg, and 20 mg/25 mg.	Do.
ANDA 076640	Metoprolol Succinate Extended-Release Tablets, 100 mg and 200 mg.	Nesher Pharmaceuticals (USA) LLC.
ANDA 076865	Fluticasone Proprionate Cream, 0.05%	Do.
ANDA 076982	Prednisolone Sodium Phosphate Oral Solution USP, 5 mg/5 mL.	Do.
ANDA 076992	Ciprofloxacin Injection USP, 10 mg/mL	Bedford Laboratories.
ANDA 076993	Ciprofloxacin Injection USP, 10 mg/mL	Do.
ANDA 077074	Lorazepam Injection USP (Preservative-Free), 2 mg/mL and 4 mg/mL.	Do.
ANDA 077076	Lorazepam Injection USP, 2 mg/mL and 4 mg/mL, 10 mL per vial.	Do.
ANDA 077080	Amlodipine Besylate Tablets, 2.5 mg, 5 mg, and 10 mg	Synthon Pharmaceuticals, Inc., 9000 Development Dr., P.O. Box 110487, Research Triangle Park, NC 27709.
ANDA 077085	Leflunomide Tablets, 10 mg and 20 mg	Sandoz Inc.
ANDA 077311	Hydromorphone HCl Tablets USP, 2 mg, 4 mg, and 8 mg	Nesher Pharmaceuticals (USA) LLC.
ANDA 085917	Acetaminophen and Codeine Phosphate Tablets, 30 mg	Sandoz Inc.
ANDA 087423	Acetaminophen and Codeine Phosphate Tablets, 300 mg/60 mg.	Do.
ANDA 087433	Acetaminophen and Codeine Phosphate Tablets, 300 mg/15 mg.	Do.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research, by the Commissioner, approval of the applications listed in table 1 in this document, and all amendments and supplements thereto, is hereby withdrawn, effective May 22, 2014. Introduction or delivery for introduction into interstate commerce of products without approved new drug applications violates section 301(a) and (d) of the FD&C Act (21 U.S.C. 331(a) and (d)). Drug products that are listed in table 1 that are in inventory on the date that this notice becomes effective (see the DATES section) may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: April 17, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–09124 Filed 4–21–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than May 22, 2014.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Children's Hospitals Graduate Medical Education Payment Program.

OMB No.: 0915–0247 Revision.

Abstract: The Children's Hospitals Graduate Medical Education (CHGME) Payment Program was enacted by Public Law 106–129 to provide federal support for graduate medical education (GME) to freestanding children's hospitals. This legislation attempts to provide support for GME comparable to the level of Medicare GME support received by other, non-children's hospitals. The legislation requires that eligible children's hospitals receive payments for both direct and indirect medical

education expenses. Payments for direct expenses offset the expenses associated with operating approved graduate medical residency training programs, and payments for indirect expenses compensate hospitals for expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs. The Centers for Medicare and Medicaid Services (CMS) issued a final rule in the **Federal Register** regarding Sections 5503, 5504, 5505, and 5506 of the Affordable Care Act of 2010, Public Law 111–148, on Wednesday, November 24, 2010. This final rule included policy changes on counting resident time in non-provider settings, counting resident time for didactic training and the redistribution of resident caps, which required modification of the data collection forms within the CHGME Payment Program application. The necessary modifications were made and received OMB clearance on June 30, 2012.

On September 30, 2013, CMS published revised cost report forms on their Web site; specifically form CMS 2552–10, Worksheet E–4, requiring additional modifications of the data collection forms in the CHGME Payment Program application. The CHGME Payment Program application forms have been adjusted to accommodate the most recent CMS policy changes. These changes require OMB approval.

Need and Proposed Use of the Information: Data are collected on the number of full-time equivalent (FTE) residents in applicant children's hospitals' training programs to determine the amount of direct and indirect medical education payments to be distributed to participating children's hospitals. Indirect medical education payments will also be derived from a formula that requires the reporting of discharges, beds, and case mix index information from participating children's hospitals.

Hospitals will also be requested to submit data on the number of FTE residents trained during the federal fiscal year to participate in the reconciliation payment process. Auditors will be requested to submit data on the number of full-time equivalent residents trained by the hospitals in an FTE resident assessment summary. An assessment of the hospital data ensures that appropriate CMS regulations and CHGME program guidelines are followed in determining which residents are eligible to be claimed for funding. The audit results impact final payments made by the CHGME Payment Program to all eligible hospitals.

Likely Respondents: Hospitals applying for and receiving CHGME funds and fiscal intermediaries auditing data submitted by the hospitals receiving CHGME funds.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Application Cover Letter (Initial)	60	1	60	0.33	19.8
Application Cover Letter (Reconciliation)	60	1	60	0.33	19.8
HRSA 99 (Initial)	60	1	60	0.33	19.8
HRSA 99 (Reconciliation)	60	1	60	0.33	19.8
HRSA 99–1 (Initial)	60	1	60	26.50	1,590.0
HRSA 99–1 (Reconciliation)	60	1	60	6.50	390.0
HRSA 99–1 (Supplemental) (FTE Resident Assessment)	30	1	30	3.67	110.1
HRSA 99–2 (Initial)	60	1	60	11.33	679.8
HRSA 99–2 (Reconciliation)	60	1	60	3.67	220.2
HRSA 99–4 (Reconciliation)	60	1	60	12.50	750.0
HRSA 99–5 (Initial)	60	1	60	0.33	19.8
HRSA 99–5 (Reconciliation)	60	1	60	0.33	19.8
CFO Form Letter (Initial)	60	1	60	0.33	19.8
CFO Form Letter (Reconciliation)	60	1	60	0.33	19.8
FTE Resident Assessment Cover Letter (FTE Resident Assessment)	30	1	30	0.33	9.9
Conversation Record (FTE Resident Assessment)	30	1	30	3.67	110.1
Exhibit C (FTE Resident Assessment)	30	1	30	3.67	110.1
Exhibit F (FTE Resident Assessment)	30	1	30	3.67	110.1
Exhibit N (FTE Resident Assessment)	30	1	30	3.67	110.1
Exhibit O(1) (FTE Resident Assessment)	30	1	30	3.67	110.1
Exhibit O(2) (FTE Resident Assessment)	30	1	30	26.50	795.0
Exhibit P (FTE Resident Assessment)	30	1	30	3.67	110.1
Exhibit P(2) (FTE Resident Assessment)	30	1	30	3.67	110.1
Exhibit S (FTE Resident Assessment)	30	1	30	3.67	110.1
Exhibit T (FTE Resident Assessment)	30	1	30	3.67	110.1
Exhibit T(1) (FTE Resident Assessment)	30	1	30	3.67	110.1
Exhibit 1 (FTE Resident Assessment)	30	1	30	0.33	9.9
Exhibit 2 (Initial, Reconciliation and FTE Resident Assessment)	90	1	90	0.33	29.7
Exhibit 3 (Initial, Reconciliation and FTE Resident Assessment)	90	1	90	0.33	29.7

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Exhibit 4 (Initial, Reconciliation and FTE Resident Assessment)	90	1	90	0.33	29.7
Total	90		90		5,962.8

Dated: April 14, 2014.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2014–09186 Filed 4–21–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than May 22, 2014.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Healthy Start Evaluation and Quality Assurance OMB No. 0915–0338—Revision

Abstract: The National Healthy Start Program, funded through the Health Resources and Services Administration's (HRSA's) Maternal and Child Health Bureau (MCHB), has the goal of reducing disparities in infant mortality and adverse perinatal outcomes. The program began as a demonstration project with 15 grantees in 1991 and has expanded over the past 2 decades to 105 grantees serving 196 communities across 39 states. Healthy Start grantees operate in communities with rates of infant mortality at least 1.5 times the U.S. national average and high rates for other adverse perinatal outcomes. These communities are geographically, racially, ethnically, and linguistically diverse low-income areas. Healthy Start covers services during the perinatal period (before, during, after pregnancy) and follows the woman and infant through 2 years after the end of the pregnancy. The next round of funding represents a transformation of the program framework from nine service and systems core components to five approaches. The five approaches are as follows: (1) Improving women's health; (2) promoting quality services; (3) strengthening family resilience; (4) achieving collective impact; and (5) increasing accountability through quality assurance, performance monitoring, and evaluation.

MCHB seeks to implement a uniform set of data elements for monitoring and conduct a mixed-methods evaluation to assess the effectiveness of the program on individual, organizational, and community-level outcomes. Data collection instruments will include a Preconception, Pregnancy, and Parenting Information Form; National Healthy Start Program Survey; Community Action Network Survey; Healthy Start Site Visit Protocol; and Healthy Start Participant Focus Group Protocol.

Need and Proposed Use of the Information: The purpose of the data collection instruments will be to obtain consistent information across all grantees about Healthy Start and its outcomes for purposes of monitoring, and in-depth information for 15 Healthy Start communities and 15 comparison communities to support a rigorous evaluation design. The data will be used to: (1) Conduct ongoing performance monitoring of the program; (2) provide credible and rigorous evidence of program effect on outcomes; (3) assess the relative contribution of the five program approaches to individual and community-level outcomes; (4) meet program needs for accountability, programmatic decision-making, and ongoing quality assurance; and (5) strengthen the evidence-base, and identify best and promising practices for the program to support sustainability, replication, and dissemination of the program.

Likely Respondents: Respondents include pregnant women and women of reproductive age who are served by the Healthy Start program (monitoring) and sampled postpartum women from 15 unfunded organizations in comparison communities (evaluation) for the Preconception, Pregnancy, and Parenting Information Form; project directors and staff for the National Healthy Start Program Survey; representatives from partner organizations for the Community Action Network Survey; program staff, providers, and partners for the Healthy Start Site Visit Protocol; and program participants for the Healthy Start Participant Focus Group Protocol.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Preconception, Pregnancy, and Parenting Information Form	40,675	1	40,675	0.50	20,338
National Healthy Start Program Web Survey	88	1	88	2.00	176
CAN member Web Survey	225	1	225	0.75	169
Healthy Start Site Visit Protocol	15	1	15	6.00	90
Healthy Start Participant Focus Group Protocol	180	1	180	1.00	180
Total	41,183		41,183		20,953

Dated: April 15, 2014.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2014–09193 Filed 4–21–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Class Deviation From Competition Requirements for Low-Cost Extensions and Administrative Supplement Thresholds To Minimize Disruption of Services for Certain Health Center Program Service Areas.

SUMMARY: In accordance with the Awarding Agency Grants Management Manual (AAGAM) Chapter 1.03.103, the Bureau of Primary Health Care (BPHC) requests a class deviation to award low-cost extensions of up to 6 months or, when necessary, administrative supplements to minimize disruption of services for specific health center program service areas.

Per the requirements for low-cost extensions outlined in the AAGAM Chapter 2.04.104B–4A.1.a.(5)(b), these extensions may not exceed 25 percent of the approved federal direct cost budget authorized for the budget period (exclusive of the additional funding requested) or $100,000. Likewise, per the requirements for administrative supplements outlined in the AAGAM Chapter 2.04.104B–4A.4.b, these supplements may not exceed 25 percent of the approved federal direct cost budget authorized for the budget period (exclusive of the additional funding) or $250,000, whichever is less. In each case, the Health Resources and Services Administration (HRSA) is required to publish a notice in the **Federal Register** in advance of, or concurrent with, the awarding of the funds.

BPHC is requesting a class deviation to the requirements for low-cost extensions to allow HRSA to award extensions that exceed 25 percent of the approved federal direct cost budget authorized for the budget period (exclusive of the additional funding requested) and/or $100,000 in cases where the grantee would not receive future continued support under the Health Center Program. Likewise, BPHC is requesting a class deviation to the requirements for administrative supplements to allow HRSA to award supplements that exceed 25 percent of the approved federal direct cost budget authorized for the budget period (exclusive of the additional funding) and/or $250,000 in cases where the award is to a currently funded grantee located in or adjacent to the service area of a grantee that will not receive continued support under the Health Center Program. BPHC is also requesting that the deviation allow for the publication of a consolidated notice in the **Federal Register** annually that summarizes the actions taken in the prior fiscal year.

The sole purpose of these low-cost extensions or administrative supplements is to avoid a gap in the provision of critical health care services for a funded service area by providing a ''bridge'' until HRSA is able to make an award to an eligible applicant under a Service Area Competition (SAC) and/or to assure an orderly phase-out of Health Center Program activities by the current grantee.

BPHC is not requesting that this class deviation cover single source replacement awards and will continue to request single case deviations for such non-competitive actions if necessary.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: Health Center Program Grantees.

Amount of Non-Competitive Awards: Variable.

Period of Supplemental Funding: Variable.

CFDA Number: 93.224, 93.527.

Authority: Section 330 of the Public Health Service Act (42 U.S.C. 254b), as amended; Public Law 111–148, the Affordable Care Act of 2010, Section 5601 and Section 10503, as amended; Public Law 111–152, Health Care and Education Reconciliation Act of 2010, Section 2303.

Justification: BPHC always conducts an open competition to identify a new Health Center Program grantee for a previously funded but now available service area; however, it generally takes up to 6 months to announce and conduct the SAC and select a new grantee for the service area.

In fiscal year 2013, BPHC awarded operational grants to support approximately 1,200 Health Center Program grantee organizations. Throughout the course of the current fiscal year, there have been 14 cases where a deviation and accompanying **Federal Register** Notice were warranted per AAGAM 2.04.104B–4A, based on the need to issue a low-cost extension or administrative supplement. Such cases occurred when a Health Center Program grant was discontinued prior to the project period end date. Discontinuations prior to the project period end date have been the result of a voluntary relinquishment of the grant award by the current grantee or an enforcement action taken by HRSA due to a grantee's material noncompliance with program requirements. The need for a low-cost extension or administrative supplement has also occurred at the end of a grantee's project period due to a lack of eligible or fundable applications for the announced service area. In all cases, the purpose for the HRSA award of the low-cost extension or administrative supplement was to avoid a gap in the provision of critical health care services for a service area by providing a ''bridge'' until HRSA was able to make an award to an eligible applicant under a SAC and to

assure an orderly phase-out of Health Center Program activities by the current grantee. Often the funds necessary to continue services in these service areas exceed the amount authorized for low-cost extensions and administrative supplements under the AAGAM.

Given the commonality of purpose and time-sensitive circumstances surrounding these low-cost extensions and administrative supplements, approval of a class deviation to allow a streamlined process for these awards would ensure both consistency and efficiency, and support HRSA's commitment to minimizing a disruption in services to health center patients.

The number of grantees that HRSA would award low-cost extensions or administrative supplements to is expected to be extremely limited (less than 10–15 per year) based on recent experience. In addition, the amount of grant funds provided under the extension or supplement would be determined based on pro-rating HRSA's existing funding commitment to the service area. In all cases, current fiscal year funds will be used to supplement or extend the grantee's existing budget period award.

FOR FURTHER INFORMATION CONTACT: Olivia Shockey, Chief, Expansion Branch, Office of Policy and Program Development, Bureau of Primary Health Care, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857, email: *oshockey@hrsa.gov*.

Dated: April 16, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–09132 Filed 4–21–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

''Low Income Levels'' Used for Various Health Professions and Nursing Programs Included in Titles III, VII, and VIII of the Public Health Service Act

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is updating income levels used to identify a ''low income family'' for the purpose of determining eligibility for programs that provide health professions and nursing training for individuals from disadvantaged backgrounds. These various programs are included in Titles III, VII, and VIII of the Public Health Service Act.

The Department periodically publishes in the **Federal Register** low-income levels used to determine eligibility for grants and cooperative agreements to institutions providing training for (1) disadvantaged individuals, (2) individuals from disadvantaged backgrounds, or (3) individuals from low-income families.

SUPPLEMENTARY INFORMATION: The various health professions and nursing grant and cooperative agreement programs that use the low-income levels to determine whether an individual is from an economically disadvantaged background in making eligibility and funding determinations generally make awards to: accredited schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health podiatric medicine, nursing, chiropractic, public or private nonprofit schools which offer graduate programs in behavioral health and mental health practice, and other public or private nonprofit health or education entities to assist the disadvantaged to enter and graduate from health professions and nursing schools. Some programs provide for the repayment of health professions or nursing education loans for disadvantaged students.

The Secretary defines a ''low-income family/household'' for programs included in Titles III, VII, and VIII of the Public Health Service Act as having an annual income that does not exceed 200 percent of the Department's poverty guidelines. A family is a group of two or more individuals related by birth, marriage, or adoption who live together. On June 26, 2013, in U.S. v. Windsor, 133 S. Ct. 2675 (2013), the Supreme Court held that section 3 of the Defense of Marriage Act, which prohibited federal recognition of same-sex spouses and same-sex marriages, was unconstitutional. In light of this decision, please note that in determining eligibility for these programs, same-sex marriages and same-sex spouses will be recognized on equal terms with opposite-sex spouses and opposite-sex marriages, regardless of where the couple resides. This approach is consistent with a post-Windsor policy of treating same-sex marriages on the same terms as opposite sex marriages to the greatest extent reasonably possible. Thus, a ''family or household'' includes same-sex spouses that are legally married in a jurisdiction that recognizes same-sex marriage regardless of whether the same-sex spouses live in a jurisdiction that recognizes same-sex marriage or a jurisdiction that does not recognize same-sex marriage and the family members that result from such same sex-marriage.

A ''household'' may be only one person. Most HRSA programs use the income of the student's parents to compute low income status. Other programs, depending upon the legislative intent of the program, the programmatic purpose related to income level, as well as the age and circumstances of the participant, will apply these low income standards to the individual student to determine eligibility, as long as he or she is not listed as a dependent on his or her parents' tax form. Each program will announce the rationale and choice of methodology for determining low income levels in their program guidance. The Department's poverty guidelines are based on poverty thresholds published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index.

The Secretary annually adjusts the low-income levels based on the Department's poverty guidelines and makes them available to persons responsible for administering the applicable programs. The income figures below have been updated to reflect increases in the Consumer Price Index through December 31, 2013.

2014 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

Size of parents' family *	Income level **
1	$23,340
2	31,460
3	39,580
4	47,700
5	55,820
6	63,940
7	72,060
8	80,180

For families with more than 8 persons, add $8,120 for each additional person.

2014 POVERTY GUIDELINES FOR ALASKA

Size of parents' family *	Income level **
1	$29,160
2	39,320
3	49,480
4	59,640
5	69,800
6	79,960
7	90,120

2014 POVERTY GUIDELINES FOR ALASKA—Continued

Size of parents' family *	Income level **
8	100,280

For families with more than 8 persons, add $10,160 for each additional person.

2013 POVERTY GUIDELINES FOR HAWAII

Size of parents' family *	Income level **
1	$26,840
2	36,180
3	45,520
4	54,860
5	64,200
6	73,540
7	82,880
8	92,220

For families with more than 8 persons, add $9,340 for each additional person.

* Includes only dependents listed on federal income tax forms. Some programs will use the student's family rather than his or her parents' family.

** Adjusted gross income for calendar year 2013.

Separate poverty guidelines figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966–1970 period. (Note that the Census Bureau poverty thresholds—the version of the poverty measure used for statistical purposes—have never had separate figures for Alaska and Hawaii.) The poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions. Puerto Rico or other outlying jurisdictions shall use income guidelines for the 48 contiguous states and the District of Columbia.

Dated: April 16, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–09131 Filed 4–21–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Organ Transplantation; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Committee on Organ Transplantation (ACOT).

Date and Time: May 15, 2014, 10:00 a.m. to 4:00 p.m. Eastern Time.

Place: The meeting will be via audio conference call and Adobe Connect Pro.

Status: The meeting will be open to the public.

Purpose: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, and 42 CFR 121.12 (2000), ACOT was established to assist the Secretary in enhancing organ donation, ensuring that the system of organ transplantation is grounded in the best available medical science, and assuring the public that the system is as effective and equitable as possible, thereby increasing public confidence in the integrity and effectiveness of the transplantation system. ACOT is composed of up to 25 members including the Chair. Members serve as Special Government Employees and have diverse backgrounds in fields such as organ donation, health care public policy, transplantation medicine and surgery, critical care medicine, and other medical specialties involved in the identification and referral of donors, non-physician transplant professions, nursing, epidemiology, immunology, law and bioethics, behavioral sciences, economics and statistics, as well as representatives of transplant candidates, transplant recipients, organ donors, and family members.

Agenda: The Committee will hear presentations including those on the following topics: Donor Management Research and Innovation; Alignment of CMS Regulatory Requirements with the Organ Procurement and Transplantation Network and the Health Resources and Services Administration; Vascularized Composite Allografts; the HOPE Act; and Electronic Tracking and Transport. Agenda items are subjects to change as priorities indicate.

After Committee discussions, members of the public will have an opportunity to comment. Because of the Committee's full agenda and timeframe in which to cover the agenda topics, public comment will be limited. All public comments will be included in the record of the ACOT meeting. Meeting summary notes will be posted on the Department's donation Web site at *http://www.organdonor.gov/legislation/advisory.html#meetings*.

The draft meeting agenda will be posted on *www.blsmeetings.net/ACOT*. Those participating in this meeting should register by visiting *www.blsmeetings.net/ACOT*. The deadline to register for this meeting is Wednesday, May 14, 2014. For all logistical questions and concerns, please contact Anita Allen, Seamon Corporation, at 301–658–3442 or send an email to *aallen@seamoncorporation.com*.

The public can join the meeting by:

1. (Audio Portion) Calling the Conference Phone Number (888–324–4391) and providing the Participant Code (9916969); and

2. (Visual Portion) Connecting to the ACOT Adobe Connect Pro Meeting using the following URL and entering as GUEST: *https://hrsa.connectsolutions.com/acot1/* (copy and paste the link into your browser if it does not work directly, and enter as a guest).

Participants should call and connect 15 minutes prior to the meeting for logistics to be set up. If you have never attended an Adobe Connect meeting, please test your connection using the following URL: *https://hrsa.connectsolutions.com/common/help/en/support/meeting_test.htm* and get a quick overview by following URL: *http://www.adobe.com/go/connectpro_overview*. Call (301) 443–0437 or send an email to *ptongele@hrsa.gov* if you are having trouble connecting to the meeting site.

Public Comment: It is preferred that persons interested in providing an oral presentation email a written request, along with a copy of their presentation to Patricia Stroup, MBA, MPA, Executive Secretary, Healthcare Systems Bureau, Health Resources and Services Administration, at *pstroup@hrsa.gov*. Requests should contain name, address, telephone number, email address, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative.

The allocation of time may be adjusted to accommodate the level of expressed interest. Persons who do not file an advance request for a presentation, but desire to make an oral statement, may request it during the public comment period. Public participation and ability to comment will be limited to time as it permits.

FOR FURTHER INFORMATION CONTACT: Patricia Stroup, MBA, MPA, Executive Secretary, Healthcare Systems Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 12C–06, Rockville, Maryland 20857; telephone (301) 443–1127.

Dated: April 15, 2014.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2014–09187 Filed 4–21–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; The Social Security Administration (SSA)-National Institutes of Health (NIH) Collaboration to Improve the Disability Determination Process: Calibration II & Predictive Validity Testing of Item Response Theory-Computer Adaptive Testing Tools (IRT–CAT) (CC)

Summary: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Clinical Center (CC), National Institutes of Health (NIH), will publish periodic

summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and For Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Daniel Hobbs, National Institutes of Health, Clinical Research Center, 6100 Executive Blvd. Suite 3C01 MSC 7515, Bethesda, MD 20892–7515 or call non-toll-free number 301–496–3817 or Email your request, including your address to: *daniel.hobbs@nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: The SSA–NIH Collaboration to Improve the Disability Determination Process: Calibration II & Predictive Validity Testing of IRT–CAT Tools, 0925-New, Clinical Center (CC), National Institutes of Health (NIH).

Need and Use of Information Collection: The Social Security Administration (SSA) entered into an interagency agreement (IAA) with the National Institutes of Health (NIH), Clinical Center (CC), Rehabilitation Medicine Department (RMD), to explore innovative methods of functional assessment to improve SSA's disability determination process. As part of its study, NIH recommended item response theory (IRT) coupled with computer adaptive testing (CAT) as a promising approach to efficiently and consistently capture claimant functional information to assist SSA adjudicators. IRT is a framework for the design, analysis, and scoring of tests, questionnaires, and similar instruments measuring abilities, aptitudes, and other variables. It is often the preferred method for the development of tests such as the Graduate Record Examination (GRE) and the Graduate Management Admission Test (GMAT).

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 11,361.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Frequency of response	Average time per response (in hours)	Annual hour burden
Initial Recruitment Contact (pre-notification packages)	13,260	1	3/60	663
Screener Call (Not Interested)	8,089	1	3/60	405
Screener Call (Participate)	5,171	1	15/60	1293
SSA Claimant Survey 1 (Including reminder call/email)	3,500	1	1	3,500
SSA Claimant Survey 2 (Including reminder call/email)	3,000	1	1	3,000
Normative Population Survey 1	2,000	1	45/60	1,500
Normative Population Survey 2	2,000	1	30/60	1,000

Dated: April 3, 2014.

David Henderson,

Deputy Director, Clinical Center, NIH.

[FR Doc. 2014–09177 Filed 4–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Initial Review Group Interventions Committee for Adult Disorders.

Date: June 10, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: David I. Sommers, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9606, Bethesda, MD 20892–9606, 301–443–7861 *dsommers@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Initial Review Group, Interventions Committee for Disorders Involving Children and Their Families.

Date: June 10, 2014.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Marcy Ellen Burstein, Ph.D., Scientific Review Officer Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6153, MSC 9606, Bethesda, MD 20892–9606, 301–443–9699, *ursteinme@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Initial Review Group Mental Health Services Research Committee.

Date: June 11, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center,

6001 Executive Blvd., Room 6136, MSC 9606, Bethesda, MD 20852, 301–443–1225, *aschulte@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: April 15, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–09040 Filed 4–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Prevention Therapeutics.

Date: May 9, 2014.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Careen K. Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–3504, *tothct@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–13–203: Methods Development for Obtaining Comprehensive Genomic Information From Human Specimens That Are Easy To Collect and Store.

Date: May 15, 2014.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health; 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: David R. Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov*.

(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 16, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–09043 Filed 4–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Quality Assessment Support for the National Toxicology Program.

Date: May 15, 2014.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIEHS/National Institutes of Health, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: RoseAnne M. McGee, Associate Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–0752 *mcgee1@niehs.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: April 15, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–09039 Filed 4–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental and Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; Review of Clinical Research and Operations Management Support (CROMS) Proposals.

Date: May 13–14, 2014.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Victor Henriquez, Ph.D., Scientific Review Officer, DEA/SRB/NIDCR, 6701 Democracy Blvd., Room 668, Bethesda, MD 20892–4878, 301–451–2405, *henriquv@nidcr.nih.gov*.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel.

Date: June 4, 2014.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Savvas C. Makrides, Ph.D., Scientific Review Officer, Scientific Review Branch, NIDCR, NIH, 6701 Democracy Boulevard, Suite 672, Bethesda, MD 20892, 301–594–4859, *makridessc@mail.nih.gov*.

Name of Committee: NIDCR Special Grants Review Committee.

Date: June 19–20, 2014.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marines' Memorial Club & Hotel, 609 Sutter Street, San Francisco, CA 94102.

Contact Person: Marilyn Moore-Hoon, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, 6701 Democracy Blvd., Rm. 676, Bethesda, MD 20892–4878, 301–594–4861, *mooremar@nidcr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: April 16, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–09041 Filed 4–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Loan Repayment Program.

Date: May 6, 2014.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 3rd Floor Conference Room, 5635 Fishers Lane, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814 301–594–4280, *mckenneyk@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: April 16, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–09042 Filed 4–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications/contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Health Equity and Comprehensive Partnerships.

Date: May 5, 2014.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W264, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Ellen K. Schwartz, EDD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W264, Bethesda, MD 20892–9750, 240–276–6384, *schwarel@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting date due to scheduling conflicts.

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Imaging Agents.

Date: May 14, 2014.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W030, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W234, Bethesda, MD 20892–9750, 240–276–6368, *Stoicaa2@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Cloud.

Date: May 19–20, 2014.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Kenneth L. Bielat, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W244, Bethesda, MD 20892–9750, 240–276–6373, *bielatk@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Provocative Questions B, D and E: (R01 and R21).

Date: May 20–21, 2014.

Time: 5:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Caron A. Lyman, Ph.D., Chief, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W126, Bethesda, MD 20892–9750, 240–276–6348, *lymanc@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Provocative Questions A and C.

Date: May 20–21, 2014.

Time: 7:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Peter J. Wirth, Ph.D., Assistant Director, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W514, Bethesda, MD 20892–9750, 240–276–6434, *pw2q@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Development of Low Cost, Small Sample Multi-Analyte Technologies.

Date: May 21, 2014.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W034, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Donald L. Coppock, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W260, Bethesda, MD 20892–9750, 240–276–6382, *donald.coppock@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Program Project Meeting I (P01).

Date: May 22–23, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, 1 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Delia Tang, MD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W602, Bethesda, MD 20892–9750, 240–276–6456, *tangd@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI SPORE Review.

Date: June 4–5, 2014.

Time: 5:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Wlodek Lopaczynski, MD, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W608, Bethesda, MD 20892–9750, 240–276–6458, *lopacw@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Omnibus SEP–7.

Date: June 13, 2014.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W640, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Ilda F. S. Melo, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W122, Bethesda, MD 20892–9750, 240–276–6349, *ilda.melo@nih.gov*.

Name of Committee: National Cancer Institute Initial Review Group, Subcommittee I—Transition to Independence.

Date: June 17–18, 2014.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Sergei Radaev, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W634, Bethesda, MD 20892–9750, 240–276–6466, *sradaev@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Omnibus SEP–5.

Date: June 20, 2014.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W030, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Donald L. Coppock, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W260, Bethesda, MD 20892–9750, 240–276–6382, *donald.coppock@nih.gov*.

Name of Committee: National Cancer Institute Initial Review Group, Subcommittee J—Career Development.

Date: June 24, 2014.

Time: 7:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: The Westin Alexandria, 400 Courthouse Square, Alexandria, VA 22314.

Contact Person: Ilda F. S. Melo, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W122, Bethesda, MD 20892–9750, 240–276–6468, *ilda.melo@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Omnibus SEP–2.

Date: June 24–25, 2014.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Caterina Bianco, MD, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W610, Bethesda, MD 20892–9750, 240–276–6459, *biancoc@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Omnibus SEP–13,

Date: June 26–27, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Viatcheslav A. Soldatenkov, MD, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W254, Bethesda, MD 20892–9750, 240–276–6378, *soldatenkovv@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Omnibus SEP–10.

Date: July 16, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W212, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Shakeel Ahmad, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W122, Bethesda, MD 20892–9750, 240–276–6349, *ahmads@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Omnibus SEP–1.

Date: July 29–30, 2014.

Time: 5:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W234, Bethesda, MD 20892–9750, 240–276–6368, *Stoicaa2@mail.nih.gov*.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 16, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–09038 Filed 4–21–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0016]

Assistance to Firefighters Grant Program; Fire Prevention and Safety Grants

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of guidance.

SUMMARY: This Notice provides guidelines that describe the application process for grants and the criteria for awarding Fire Prevention and Safety (FP&S) grants in the fiscal year (FY) 2013 Assistance to Firefighters Grant (AFG) Program year. It explains the differences, if any, between these guidelines and those recommended by representatives of the Nation's fire service leadership during the annual Criteria Development meeting, which was held December 13–14, 2012. The application period for the FY 2013 FP&S Grant Program year was held February 18–March 21, 2014, and was announced on *www.grants.gov*. Approximately

1,200 applications for FP&S Grant Program funding were submitted electronically, using the application submission form and process available at *https://portal.fema.gov*. The ''FY 2013 Fire Prevention and Safety Program Funding Opportunity Announcement'' was published on the AFG Web site (*www.fema.gov/firegrants*). Additional information to assist applicants was provided on the AFG Web site, including an applicant tutorial, list of frequently asked questions, a ''Get Ready Guide, and a Quick Reference Guide.'' The FP&S Grant Program is composed of two eligible activities; the Fire Prevention and Safety (FP&S) Activity and Firefighter Research and Development (R&D) Activity. FP&S Grants are made available directly to fire departments; national, regional, state, and local organizations; native American tribal organizations, and nonprofit organizations that are recognized for their experience in fire prevention and safety programs and activities. The grant program's authorizing statute requires that a minimum of 10 percent of available grant funds for AFG be expended for the FP&S Grant Program.

Authority: 15 U.S.C. 2229.

DATES: Grant applications for the FP&S Grant Program were accepted electronically at *https://portal.fema.gov,* from February 18–March 21, 2014.

ADDRESSES: Assistance to Firefighters Grants Branch, Stop 3620, DHS/FEMA, 800 K Street NW., Washington, DC 20472–3620.

FOR FURTHER INFORMATION CONTACT: Catherine Patterson, Chief, Assistance to Firefighters Grants Branch, 1–866–274–0960.

SUPPLEMENTARY INFORMATION: The purpose of the AFG Program is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards. The FEMA Grant Programs Directorate administers the FP&S Grant Program as part of the AFG Program.

FP&S Grants are offered to support projects in two activities:

1. Activities designed to reach high-risk target groups and mitigate the incidence of death and injuries caused by fire and fire-related hazards (''FP&S Activity'').

2. Projects aimed at improving firefighter safety, health and wellness through research and development that reduces firefighter fatalities and injuries (''R&D Activity'')

The grant program's authorizing statute requires that each year DHS publish in the **Federal Register** the guidelines that describe the application process and the criteria for grant awards.

Approximately 1,200 applications for FP&S Grant Program funding were submitted electronically, using the application submission form and process available at the AFG e-Grant application portal: *https://portal.fema.gov*. Specific information about the submission of grant applications can be found in the ''FY 2013 Fire Prevention and Safety Program Funding Opportunity Announcement,'' which is available for download at *www.fema.gov/firegrants* and at *www.regulations.gov* under Docket ID FEMA–2014–0016.

Appropriations

Congress appropriated $320,920,083 for AFG in FY 2013 pursuant to the Department of Homeland Security Appropriations Act, 2013, Public Law 113–6. From this amount, $32,092,008 will be made available for FP&S Grant awards, pursuant to 15 U.S.C. 2229(h)(5), which states that not less than 10 percent of available grant funds each year are awarded under the FP&S Grant Program. Funds appropriated for all FY 2013 AFG awards, pursuant to Public Law 113–6, will be available for obligation and award until September 30, 2014.

From the approximately 1,200 applications that were submitted requesting assistance, FEMA anticipates that it will award approximately 250 FP&S Grants from available grant funding.

Background of the AFG Program

DHS awards grants on a competitive basis to the applicants that best address the FP&S Grant Program's priorities and provide the most compelling justification. Applications that best address the Program's priorities will be reviewed by a panel composed of fire service personnel. All applications for grants will be prepared and submitted through the AFG e-Grant application portal (*https://portal.fema.gov*).

Award Criteria

The FP&S Grant Program panels will review the applications and score them using the following criteria areas:

- Vulnerability
- Implementation
- Evaluation Plan
- Cost Benefit
- Sustainability
- Financial Need
- Experience and Expertise (additional consideration)
- Performance (additional consideration)
- Funding Priorities

The applications submitted under the R&D Activity will be reviewed first by a panel of fire service members to identify those applications most relevant to the fire service, and then by technology and science experts. The following evaluation criteria will be used for each review:

The Scientific Technical Evaluation Panel for the R&D Activity will review the application and evaluate it using the following criteria:

- Project purpose(s), goals and objectives, and specific aims
- Literature Review
- Project Methods
- Project Measurements
- Project Analysis
- Resources—People and Facilities
- Dissemination and Implementation
- Cost vs. Benefit (additional consideration)
- Financial Need (additional consideration

The Fire Service Technical Evaluation Panel for the R&D Activity will review the application and evaluate it using the following criteria:

- Purpose
- Potential Impact
- Implementation by the fire service
- Partners
- Barriers

Eligible Applicants

The following entities are eligible to apply directly to FEMA under this solicitation:

1. Fire Prevention and Safety (FP&S) Activity: Eligible applicants for this activity include fire departments, national, regional, State, local, Native American tribal organizations, and nonprofit organizations that are recognized for their experience and expertise in fire prevention and safety programs and activities. Both private and public non-profit organizations are eligible to apply for funding in this activity. For-profit organizations, Federal agencies, and individuals are not eligible to receive a FP&S Grant Award under the F&S Activity.

2. Firefighter Safety Research and Development (R&D) Activity: Eligible applicants for this activity include national, State, local, Native American tribal organizations, and nonprofit organizations, such as academic (e.g., universities), public health, occupational health, and injury prevention institutions. Both private and public non-profit organizations are eligible to apply for funding in this activity.

The aforementioned entities are encouraged to apply, especially those that are recognized for their experience

and expertise in firefighter safety, health, and wellness research and development activities. Under the grant program's authorizing statute, fire departments are not eligible to apply for funding in the R&D activity. Additionally, for-profit organizations, Federal agencies, and individuals are not eligible to receive a grant award under the R&D Activity.

Statutory Limits to Funding

Applications and awards are limited to a maximum Federal share of $1.5 million dollars, regardless of applicant type.

Cost Sharing

Grantees must share in the costs of the projects funded under this grant program as required by 15 U.S.C. 2229(k)(1) and in accordance with 44 CFR 13.24 and 2 CFR 215.23, but they are not required to have the cost-share at the time of application nor at the time of award. However, before a grant is awarded, FEMA will contact potential awardees to determine whether the grantee has the funding in hand or if the grantee has a viable plan to obtain the funding necessary to fulfill the cost-sharing requirement.

All eligible applicants must provide a cost match of 5 percent of non-Federal funds, unless the matching requirement is modified by a waiver, subject to waiver eligibility as described below. Cash match and in-kind matches are both allowable in the FP&S Grant Program.

Cash (hard) matches include non-Federal cash spent for project-related costs. In-kind matches are allowable for the FP&S Grant Program. In-kind (soft) matches include, but are not limited to, the valuation of in-kind services. In-kind is the value of something received or provided that does not have a cost associated with it. For example, where an in-kind match (other than cash payments) is permitted, then the value of donated services could be used to comply with the match requirement. Also, third party in-kind contributions may count toward satisfying match requirements provided the grantee receiving the contributions expends them as allowable costs in compliance with provisions listed above.

Grantees under this grant program must also agree to a maintenance of effort requirement as required by 15 U.S.C. 2229(k)(3) (referred to as a ''maintenance of expenditure'' requirement in that statute). Per this requirement, a grantee shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the activities allowable under the FP&S Funding Opportunity Announcement at not less than 80 percent (80%) of the average amount of such expenditures in the two (2) fiscal years preceding the fiscal year in which the grant amounts are received.

In cases of demonstrated economic hardship, and on the application of the grantee, the Administrator of FEMA may waive or reduce certain grantees' cost share or maintenance of expenditure requirements. The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship. Per 15 U.S.C. 2229(k)(4)(C), FP&S Grantees that are not fire departments are not eligible to receive a waiver of their cost share or economic hardship requirements.

System for Award Management (SAM)

On July 29, 2010, the Central Contractor Registration (CCR) was moved into the System for Award Management (SAM). The Office of Management and Budget (OMB) issued guidance to Federal agencies requiring all prime recipients of Federal grants to register in SAM. SAM is the primary vendor database for the Federal Government to collect, validate, store, and disseminate data from a secure centralized system. SAM consolidated the capabilities found in CCR and other Federal procurement systems into one new system.

There is no charge to register in SAM.gov. Registrations must be completed on-line at *https://www.sam.gov/portal/public/SAM/*. The applicant organization is responsibile for having a valid DUNS number at the time of registration. Organizations with an active record in CCR have an active record in SAM but may need to validate their information. For registration, go to *https://www.sam.gov/portal/public/SAM/*.

Application Process

Applicants may only submit one (1) application, but may submit for up to three (3) projects under each activity (FP&S and R&D). Any applicant that submits more than one (1) application, and requests the same activities, may have *all* applications for any duplicated request(s) deemed ineligible.

Under the FP&S Activity, applicants may apply under the following categories:

- General Education/Awareness;
- Fire & Arson Investigation;
- Code Enforcement/Awareness;
- National/State/Regional Programs and Studies.

Under the R&D Activity, applicants may apply under the following categories:

- Clinical Studies;
- Technology and Product Development;
- Database System Development;
- Dissemination and Implementation Research;
- Preliminary Studies.

Prior to the start of the FY 2013 FP&S Grant Program application period, FEMA provided applicants with technical assistance tools (available at the AFG Web site: *www.fema.gov/firegrants*) and other online information to help them prepare quality grant applications. AFG also staffed a Help Desk throughout the application period to assist applicants with navigation through the automated application as well as assistance with any questions they have. Applicants can reach the AFG Help Desk through a toll-free telephone number (1–866–274–0960) or electronic mail (*firegrants@dhs.gov*).

Applicants were advised to access the application electronically at *https://portal.fema.gov*. The application also was accessible from the grants.gov Web site (*http://www.grants.gov*). New applicants were required to register and establish a username and password for secure access to their application. Applicants that applied to any previous AFG funding opportunities were required to use their previously established usernames and passwords.

In completing the application in the FP&S Activity, applicants are asked to provide relevant information on their organization's characteristics and existing capabilities. Those applicants are asked to answer questions about their grant request that reflect the FP&S Activity funding priorities, described below. In addition, each applicant completed narratives for each project or grant activity requested.

The following are the funding priorities for each category under the FP&S Activity:

- *General Education/Awareness*—programs that target high risk population to conduct both door-to-door smoke alarm installations and provide home safety inspections (including sprinkler awareness), as part of a comprehensive home fire safety campaign.
- *Code Enforcement/Awareness*—projects that focus on first time or reinstatement of code adoption and code enforcement.
- *Fire & Arson Investigation*—projects that aim to investigate aggressively every fire.
- *National/State/Regional Programs and Studies*—projects that focus on

residential fire issues and/or firefighter behavior and decision-making.

In completing an application under the R&D Activity, applicants are asked to provide relevant information on their organization's characteristics and existing capabilities. Applicants are asked to answer questions about their grant request that reflect the R&D Activity funding priorities, which are described below. In addition, each applicant completed narratives for each project or grant activity requested.

Under the R&D Activity, in order to identify and address the most important elements of firefighter safety, FEMA looked to the fire service for its input and recommendations. In June 2005, the National Fallen Firefighters' Foundation (NFFF) hosted a working group to facilitate the development of an agenda for the nation's fire service, and in particular for firefighter safety. In May 2011, the NFFF again hosted a working group to update the agenda with current priorities. A copy of the research agenda is available on the NFFF Web site at *http://www.everyonegoeshome.com/symposium.html*.

Projects that meet the intent of this research agenda with respect to firefighter health and safety, as identified by the NFFF working group, will be given consideration under the R&D Activity. However, the applicant is not limited to these specific projects. All proposed projects, regardless of whether they have been identified by this working group, will be evaluated on their relevance to firefighter health and safety and scientific rigor.

The electronic application process will permit the applicant to enter and save the application data. The system does not permit the submission of incomplete applications. Except for the narrative textboxes, the application will use a ''point-and-click'' selection process or require the entry of data (e.g., name and address). Applicants will be encouraged to read the FP&S Funding Opportunity Announcement for more details.

Criteria Development Process

Each year, DHS convenes a panel of fire service professionals to develop the funding priorities and other implementation criteria for AFG. The Criteria Development Panel is comprised of representatives from nine major fire service organizations who are charged with making recommendations to FEMA regarding the creation of new funding priorities and the modification of existing funding priorities as well as developing criteria for awarding grants. The nine major fire service organizations represented on the panel are:

- Congressional Fire Services Institute (CFSI)
- International Association of Arson Investigators (IAAI)
- International Association of Fire Chiefs (IAFC)
- International Association of Fire Fighters (IAFF)
- International Society of Fire Service Instructors (ISFSI)
- National Association of State Fire Marshals (NASFM)
- National Fire Protection Association (NFPA)
- National Volunteer Fire Council (NVFC)
- North American Fire Training Directors (NAFTD)

The FY 2013 criteria development panel meeting occurred December 13–14, 2012. The content of the FY 2013 FP&S Funding Opportunity Announcement reflects the implementation of the Criteria Development Panel's recommendations with respect to the priorities, direction, and criteria for awards. All of the funding priorities for the FY 2013 FP&S Grant Program are designed to address the following:

- First responder safety
- Enhancing national capabilities
- Risk
- Interoperability

Changes for FY 2013

FY 2013 FP&S Funding Opportunity Announcement

(1) The ''Guidance and Application Kit'' has been reformatted to match the DHS Funding Opportunity Announcement (FOA) template.

(2) A question was added to the application under the FP&S Activity to ascertain how the proposed project addresses prevention and survivability from fire.

(3) Applications and awards are now limited to a maximum federal share of $1.5 million dollars, regardless of applicant type. In FY2012 the maximum federal share was $1 million dollars, regardless of applicant type.

(4) The cost share requirement is now 5% for *all* eligible applicants for both FP&S and R&D Activities regardless of population size or applicant type.

(5) Cash and in-kind cost matching is allowable in FY2013 whereas in FY2012 the only type of allowable match was cash.

(6) The evaluation criteria under the R&D Activity have been modified and now clarifies that all applications will first be preliminarily evaluated by a fire service panel and then those applications deemed ''most relevant'' will move forward to a scientific evaluation panel. Modifications under the scientific evaluation criteria include removing ''Partners'' as a criteria and moving it to be evaluated by the fire service panel. In addition, the weight of both the ''project measurements'' and ''dissemination and implementation'' criteria were then modified from ten percent to fifteen percent.

Changes to Criteria Development Panel Recommendations

DHS must explain any differences between the published guidelines and the recommendations made by the criteria development panel and publish this information in the **Federal Register** prior to making any grants under the Program (15 U.S.C. 2229(b)(14)). For FY 2013, DHS accepted and is implementing all of the Criteria Development Panel's recommendations.

Application Review Process and Considerations

The program's authorizing statute requires that each year DHS publish in the **Federal Register** a description of the grant application process and the criteria for grant awards. This information is provided below.

DHS will review and evaluate all FP&S applications submitted using the funding priorities and evaluation criteria described in this document, which are based on recommendations from the AFG Criteria Development Panel. FEMA will rank all submitted applications based on how well they match the funding priorities for the type of community served. Answers to the application's activity-specific questions provide information used to determine each application's ranking relative to the stated priorities.

Peer Review Process

Technical Evaluation Process—Fire Prevention and Safety Activity

All eligible applications will be evaluated by a Technical Evaluation Panel (TEP). The TEP is comprised of a panel of Peer Reviewers. The TEP will assess each application's merits with respect to the detail provided in the Narrative Statement on the activity, including the evaluation elements listed in the Evaluation Criteria identified above.

The panel of Peer Reviewers will independently score each project within the application, discuss the merits and/or shortcomings of the application, and document the findings. A consensus is not required. The highest ranked

applications will receive further technical review to assess strengths and weaknesses, how readily weaknesses may be resolved, and the likely impact of the proposed activities on the safety of the target audience.

Technical Evaluation Process—Research and Development Activity

R&D applications will go through a two-phase review process. First, all applications will be reviewed by a panel of fire service experts to assess relevance, meaning the likely impact of the proposed R&D application to enable improvement in firefighter safety, health, or wellness. They will also assess the need for the research results and the likelihood that the results would be implemented by the fire service in the U.S. Applications that are deemed likely to be implemented to enable improvement in firefighter safety, health, or wellness will then receive further consideration by a science review panel. This panel will be comprised of scientists and technology experts who have expertise pertaining to the subject matter of the proposal.

Reviewers will independently score applications and, if necessary, discuss the merits or shortcomings of the application in order to reconcile any major discrepancies identified by the reviewers. A consensus is not required.

With input from these panels, for the highest ranked applications, FEMA will review each application's strengths and weaknesses, how best the strengths fit the priorities of the FP&S Program, and how readily the weaknesses may be resolved to support likely impact of the project to improve firefighter safety, heath, or wellness.

Technical Review Process

Projects receiving the highest scores then will undergo a technical review by a subject matter specialist to assess the technical feasibility of the project and a programmatic review to assess eligibility and other factors.

DHS generally makes funding decisions using rank order resulting from the panel evaluation. However, DHS may deviate from rank order and make funding decisions based on the type of department (career, combination, or volunteer) and/or the size and character of the community the applicant serves (urban, suburban, or rural) to the extent it is required to satisfy statutory provisions.

After the completion of the technical reviews, DHS will select a sufficient number of awardees from this application period to obligate all of the available grant funding. It will evaluate and act on applications within 90 days following the close of the application period. Award announcements will be made on a rolling basis until all available grant funds have been committed. Awards will not be made in any specified order. DHS will notify unsuccessful applicants as soon as it is feasible.

Application Review Considerations

The governing statute requires that each year DHS publish in the **Federal Register** a description of the grant application process and the criteria for grant awards. This information is provided below.

Evaluation Criteria for Projects—Fire Prevention and Safety Activity

Funding decisions will be informed by an assessment of how well the application addresses the criteria and considerations listed below. Applications will be reviewed by the TEP using weighted evaluation criteria to score the project. These scores will impact the ranking of a project for funding.

The relative weight of the evaluation criteria in the determination of the grant award is listed below.

- Vulnerability Statement (20%): The assessment of fire risk is essential in the development of an effective project goal, as well as meeting FEMA's goal to reduce risk by conducting a risk analysis as a basis for action. Vulnerability is a ''weak link'' demonstrating high risk behavior, living conditions or any type of high risk situation or behavior. The Vulnerability Statement should include a description of the steps taken to determine the vulnerability (weak link) and identify the target audience. The methodology for determination of vulnerability (how you found the weak link) should be discussed in-depth in the application's Narrative Statement.
  - The specific vulnerability (weak link) that will be addressed with the proposed project can be established through a formal or informal Risk Assessment. FEMA encourages the use of local statistics, rather than national statistics, when discussing the vulnerability.
  - The applicant should summarize the vulnerability (weakness) the project will address in a clear, to-the-point statement that addresses who is at risk, what the risks are, where the risks are and how the risks can be prevented.
  - For the purpose of the FY2013 FP&S FOA, formal Risk Assessments consist of the use of software programs or recognized expert analysis that assess risk trends.
  - Informal Risk Assessments could include an in-house review of available data (e.g., NFIRS) to determine fire loss, burn injuries or loss of life over a period of time, and the factors that are the cause and origin for each occurrence.
- Implementation Plan (20%): Projects should provide details on the implementation plan which discusses the proposed project's goals and objectives. The following information should be included to support the implementation plan:
  - Goals and objectives.
  - Details regarding the methods and specific steps that will be used to achieve the goals and objectives.
  - Timelines—place the project steps in the order they will be accomplished.
  - Where applicable, examples of marketing efforts to promote the project, who will deliver the project (e.g., effective partnerships), and the manner in which materials or deliverables will be distributed.
  - Requests for props (i.e., tools used in educational or awareness demonstrations), including specific goals, measurable results, and details on the frequency for which the prop will be utilized as part of the implementation plan. Applicants should include information describing the efforts that will be used to reach the high risk audience and/or the number of people reached through the proposed project (examples of props include safety trailers, puppets, robots, or portable safety houses).
- Evaluation Plan (20%): Projects should include an evaluation of effectiveness and should identify measurable goals. Applicants seeking to carry out awareness and educational projects, for example, should identify how they intend to determine that there has been an increase in knowledge about fire hazards, or measure a change in the safety behaviors of the audience. Applicants should demonstrate how they will measure risk at the outset of the project in comparison to how much the risk decreased after the project is finished. There are various ways to measure the knowledge gained including the use of surveys, pre- and post-tests or documented observations.
- Cost-Benefit (10%): Projects will be evaluated based on how well the applicant addresses the fire prevention needs of the department or organization in an economic and efficient manner. Show how to maximize the level of funding that goes directly into the delivery of the project. The costs associated with the project must also be reasonable for the target audience that will be reached and a description of how the anticipated benefit(s) of their

projects outweighs the cost(s) of the requested item(s) should be included. Providing justification for costs assists the Technical Evaluation Panel with this review.

- Sustainability (15%): Each project will also be evaluated to determine whether the overall activity will be sustained (continued) beyond the grant performance period and whether it has a greater potential for long-term benefits. Examples of sustainable projects can be shown through the long-term benefits derived from the delivery of the project, the number of non-Federal partners likely to continue the effort, or the demonstrated long-term commitment of the applicant.
- Financial Need (10%): Applicants should provide details on the need for financial assistance to carry out the proposed project(s). Included in the description might be other unsuccessful attempts to acquire financial assistance or specific examples of the applicant's operational budget.
- Funding Priorities (5%): Applicants will be evaluated on whether or not the proposed project meets the stated funding priority for the applicable category.
  - General Education/Awareness Priority: Comprehensive home fire safety campaign with door-to-door smoke alarm installations.
  - Fire/Arson Investigation Priority: Projects that aim to investigate aggressively every fire.
  - Code Enforcement/Awareness Priority: Projects that focus on first time or reinstatement of code adoption and code enforcement.
  - National/State/Regional Programs and Studies Priority: Projects that focus on residential fire issues and/or firefighter safety projects or strategies that are designed to measureable change firefighter behavior and decision-making.
- Experience and Expertise (additional consideration): Applicants that demonstrate their experience and ability to conduct fire prevention and safety activities, and to execute the proposed or similar project(s), will receive additional consideration.
- Performance (additional consideration): Applicants that have a proven track record for timely project completion and satisfactory performance in other AFG, FP&S, and SAFER Awards will receive additional consideration.
- Meeting the needs of people with disabilities (additional consideration): Applicants in the General Education/Awareness category will receive additional consideration if, as part of their comprehensive smoke alarm installation and education program, they address the needs of people with disabilities (e.g., deaf/hard-of-hearing) in their community.

Evaluation Criteria for Projects—Firefighter Safety Research and Development Activity

Funding decisions will be informed by an assessment of how well the application addresses the criteria and considerations listed below. Applications will be reviewed by a fire service expert panel using weighted evaluation criteria and by a scientific peer review panel evaluation using weighted evaluation criteria to score the project. These scores will impact the ranking of a project for funding. In addition, other Science Panel considerations are indicated in the list below:

Fire Service Evaluation Criteria

- Purpose (25%): Clearly identify the vital firefighter safety and wellness issue(s) addressed by the project proposal that would benefit from additional research to fill in gaps in knowledge.
- Potential Impact (15%): Discuss the potential impact of the research outcome/product on firefighter safety by quantifying the possible reduction in the number of fatal or non-fatal injuries or on wellness by significantly improving the overall health of firefighters.
- Implementation by Fire Service (25%): Discuss how the outcomes/products of this research, if successful, are likely to be widely/nationally adopted and accepted by the fire service as changes that enhance safety and wellness.
- Partners (20%): Describe the fire service partners that will support the project to accomplish the objectives of the study. The specific roles and contributions of the partners to the project should be described. Partnerships may be formed with local and regional fire departments and also with national fire-related organizations. Because grants under the R&D Activity aim to improve the safety, health, and wellness of firefighters, having strong partnerships with the fire service is essential to the likely relevance and effectiveness of the project. Letters of support and letters of commitment to actively participate in the project should be included in the Appendix of the application.
- Barriers (15%): The applicant needs to identify fire service and other potential barriers to the successful completion of the project and strategies to overcome such barriers if they materialize.

Science Panel Evaluation Criteria

- Project goals, objectives, and specific aims (15%): Applicants need to address how the purpose, goals, objectives, and aims of the proposal will lead to results that will improve firefighter safety, health, and wellness. For multi-year projects, greater detail should be given for the first year. Also, describe the specific goals and objectives for the second and third year.
- Literature Review (10%): With reference to the project's goals, objectives, and specific aims, provide a literature review that includes citations in the text and references at the end of the Narrative Statement (and not in the Appendix) of the application. The review should be in sufficient depth to make it clear that the proposed project is necessary, adds to an existing body of knowledge, is different from current and previous studies, and offers a unique contribution.
- Project Methods (20%): This is a description of how the project will be carried out, including demonstration of the overall scientific and technical rigor and merit of the project. This provides the operations to accomplish the purpose, goals and objectives, and the specific aims previously stated. Plans to recruit and retain human subjects, where applicable, should be described. Where human subjects are involved in the project, describe plans for submission to the Institutional Review Board (IRB).
- Project Measurements (15%): Provide evidence of the technical rigor and merit of the project, such as data pertaining to validity, reliability, and sensitivity (where established) of the equipment, instruments, standards, and procedures that will be used to carry out the specific aims previously stated. Data is collected to evaluate the performance of methods, technologies, and products proposed to enhance firefighter safety, health, and wellness. Measurement methods and equipment selected for use should be appropriate and sufficient to the project objectives.
- Project Analysis (10%): Indicate the planned approach for analysis of the data obtained from measurements, questionnaires, or computations. Specify within the plan what will be analyzed, the statistical methods that will be used, the sequence of steps, and interactions as appropriate. It should be clear that the Principal Investigator (PI) and research team have the expertise to perform the planned analysis and defend the results in a peer review process.

• Resources—People and Facilities (15%): Describe the strengths of the PI, the lead scientists, and other staff of the research and development team, especially with regard to similar R&D Activities, studies involving the fire service, and successful completion of prior grant-funded research and development. Also describe the institutional resources (e.g., labs, experimental facilities) to be used to support and carry out the proposed project. Emphasis should be given to unique people and facilities that contribute substantially to the project in addition to past fire service research.

• Dissemination and Implementation (15%): Indicate dissemination plans for scientific audiences (such as plans for submissions to specific peer review publications) and for firefighter audiences (such as via Web sites, magazines, and conferences). Also, assuming positive results and where applicable, indicate future steps that would support dissemination and implementation throughout the fire service. These are likely to be beyond the current study, so those features of the research activity that will facilitate future dissemination and implementation should be discussed. All applicants should specify how the results of the project, if successful, might be disseminated and implemented in the fire service to improve firefighter safety, health, and wellness, especially in the short term. It is expected that successful R&D Activity Projects may give rise to future programs including FP&S Activity Projects.

• Cost vs. Benefit (additional consideration): Cost vs. benefit in this evaluation element refers to the costs of the grant for the research and development project vs. the benefits that are projected for firefighters who would have improved safety, health, and wellness. Projects will be evaluated on the extent to which they demonstrate a high benefit for the cost incurred.

• Financial Need (additional consideration): In the Narrative Statement, applicants should provide details on the need for federal financial assistance to carry out the proposed project(s).

Other Selection Information

Awards will be made using the results of peer-reviewed applications as the primary basis for decisions, regardless of activity. However, there are some exceptions to strictly using the peer review results.

Fire departments and other eligible applicants that have received funding under the FP&S program in previous years are eligible to apply for funding in the current year. However, DHS may take into account an applicant's performance on prior grants when making funding decisions on current applications.

Once every application in the competitive range has been through the technical evaluation phase, the applications will be ranked according to the average score awarded by the panel.

The ranking will be summarized in a Technical Report prepared by the AFG Program Office. A Grants Management Specialist will contact the applicant to discuss and/or negotiate the content of the application and SAM.gov registration before making final award decisions.

Dated: April 11, 2014.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–09179 Filed 4–21–14; 8:45 am]

BILLING CODE 9111–64–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1406]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR Part 65.

The FIRM and FIS report are the basis of the floodplain management measures

that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
Arkansas:.						
White	City of Searcy (13–06–2147P).	The Honorable David Morris, Mayor, City of Searcy, 401 West Arch Avenue, Searcy, AR 72143.	City Hall, 401 West Arch Avenue, Searcy, AR 72143.	*http://www.msc.fema.gov/lomc.*	May 5, 2014	050229
White	Unincorporated areas of White County (13–06–2147P).	The Honorable Michael Lincoln, White County Judge, 300 North Spruce Street, Searcy, AR 72143.	White County Office Building, Department of Emergency Management, 2301 Eastline Road, Searcy, AR 72143.	*http://www.msc.fema.gov/lomc.*	May 5, 2014	050467
Pennsylvania: Crawford	Borough of Saegertown (13–03–2659P).	The Honorable Dave Myers, Mayor, Borough of Saegertown, 603 Erie Street, Saegertown, PA 16433.	Borough Hall, 603 Erie Street, Saegertown, PA 16433.	*http://www.msc.fema.gov/lomc.*	April 23, 2014	420352
Oklahoma: Tulsa	City of Tulsa (13–06–3500P).	The Honorable Dewey Bartlett, Jr., Mayor, City of Tulsa, 175 East 2nd Street, Suite 690, Tulsa, OK 74103.	Engineering Services, 2317 South Jackson Avenue, Room S–312, Tulsa, OK 74107.	*http://www.msc.fema.gov/lomc.*	May 14, 2014	405381
Texas:.						
Brazos	City of Bryan (12–06–1920P).	The Honorable Jason Bienski, Mayor, City of Bryan, 300 South Texas Avenue, Bryan, TX 77803.	300 South Texas Avenue, Bryan, TX 77803.	*http://www.msc.fema.gov/lomc.*	May 9, 2014	480082
Brazos	Unincorporated areas of Brazos County (12–06–1920P).	The Honorable Duane Peters, Brazos County Judge, 200 South Texas Avenue, Suite 332, Bryan, TX 77803.	Brazos County, 2617 Highway 21 West, Bryan, TX 77803.	*http://www.msc.fema.gov/lomc.*	May 9, 2014	481195
Comal	Unincorporated areas of Comal County (13–06–2849P).	The Honorable Sherman Krause, Comal County Judge, 150 North Seguin Avenue, New Braunfels, TX 78130.	Comal County Engineer's Office, 195 David Jonas Drive, New Braunfels, TX 78132.	*http://www.msc.fema.gov/lomc.*	May 5, 2014	485463
Dallas	City of Irving (13–06–1919P).	The Honorable Beth Van Duyne, Mayor, City of Irving, 825 West Irving Boulevard, Irving, TX 75060.	Capital Improvement Program Department, 825 West Irving Boulevard, Irving, TX 75060.	*http://www.msc.fema.gov/lomc.*	April 28, 2014	480180
Tarrant	City of Fort Worth (12–06–1991P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, 1000 Throckmorton Street, Fort Worth, TX 76102.	*http://www.msc.fema.gov/lomc.*	April 7, 2014	480596
Tarrant	City of Fort Worth (12–06–3580P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, 1000 Throckmorton Street, Fort Worth, TX 76102.	*http://www.msc.fema.gov/lomc.*	March 25, 2014	480596
Tarrant	Unincorporated areas of Tarrant County (12–06–3580P).	The Honorable B. Glen Whitley, Tarrant County Judge, 100 East Weatherford Street, Suite 501, Fort Worth, TX 76196.	Tarrant County Public Works Department, Administration Building, 100 East Weatherford Street, Fort Worth, TX 76196.	*http://www.msc.fema.gov/lomc.*	March 25, 2014	480582
Virginia: Alleghany	Town of Clifton Forge (12–03–1156P).	The Honorable Carl Brinkley, Mayor, Town of Clifton Forge, P.O. Box 631, Clifton Forge, VA 24422.	Town Hall, 547 Main Street, Clifton Forge, VA 24422.	*http://www.msc.fema.gov/lomc.*	February 27, 2014	510038

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: April 9, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–09184 Filed 4–21–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0048]

Agency Information Collection Activities: Declaration of Person Who Performed Repairs

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Declaration of a Person Who Performed Repairs. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before June 23, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Declaration of Person Who Performed Repairs

OMB Number: 1651–0048

Form Number: None

Abstract: The ''Declaration of Persons Who Performed Repairs or Alterations,'' as required by 19 CFR 10.8, is used in connection with the entry of articles entered under subheadings 9802.00.40 and 9802.00.50, Harmonized Tariff Schedule of the United States (HTSUS). Articles entered under these HTSUS provisions are articles that were in the U.S. and were exported temporarily for repairs. Upon their return, duty is only assessed on the value of the repairs performed abroad and not on the full value of the article. The declaration under 19 CFR 10.8 includes information such as a description of the article and the repairs; the value of the article and the repairs; and a declaration by the owner, importer, consignee, or agent having knowledge of the pertinent facts. The information in this declaration is used by CBP to determine the value of the repairs and assess duty only on the value of those repairs.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 10,236.

Estimated Number of Total Annual Responses: 20,472.

Estimated Number of Annual Responses per Respondent: 2.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 10,236.

Dated: April 17, 2014,

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–09169 Filed 4–21–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0022]

Agency Information Collection Activities: Entry Summary

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Entry Summary. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before June 23, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street, NE 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the

information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Entry Summary.

OMB Number: 1651–0022.

Form Number: 7501.

Abstract: CBP Form 7501, *Entry Summary,* is used to identify merchandise entering the commerce of the United States, and to document the amount of duty and/or tax paid. CBP Form 7501 is submitted by the importer, or the importer's agent, for each import transaction. The data on this form is used by CBP as a record of the import transaction; to collect the proper duty, taxes, certifications and enforcement information; and to provide data to the U.S. Census Bureau for statistical purposes. CBP Form 7501 must be filed within 10 working days from the time of entry of merchandise into the United States. Collection of the data on this form is authorized by 19 U.S.C. 1484 and provided for by 19 CFR 142.11 and CFR 141.61. CBP Form 7501 and accompanying instructions can be found at *http://www.cbp.gov/xp/cgov/toolbox/forms/*.

Current Actions: This submission is being made to extend the expiration date of this information collection with no change to the burden hours or to the information collected on Form 7501.

Type of Review: Extension (without change).

Affected Public: Businesses.

CBP Form 7501—Formal Entries.

Estimated Number of Respondents: 2,450.

Estimated Number of Responses per Respondent: 9,903.

Estimated Total Annual Responses: 24,262,980.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 8,079,572.

CBP Form 7501—Formal Entries With Softwood Lumber Agreement

Estimated Number of Respondents: 210.

Estimated Number of Responses per Respondent: 1905.

Estimated Total Annual Responses: 400,050.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 266,433.

CBP Form 7501—Informal Entries

Estimated Number of Respondents: 1,572.

Estimated Number of Responses per Respondent: 2,582.

Estimated Total Annual Responses: 4,059,355.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 1,014,839.

CBP Form 7501A—Document/Payment Transmittal

Estimated Number of Respondents: 20.

Estimated Number of Responses per Respondent: 60.

Estimated Total Annual Responses: 1,200.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 300.

Dated: April 17, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–09167 Filed 4–21–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0041]

Agency Information Collection Activities: Bonded Warehouse Regulations

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Bonded Warehouse Regulations. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before June 23, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Bonded Warehouse Regulations.

OMB Number: 1651–0041.

Form Number: None.

Abstract: Owners or lessees desiring to establish a bonded warehouse must make written application to the U.S. Customs and Border Protection (CBP) port director where the warehouse is located. The application must include the warehouse location, a description of the premises, and an indication of the

class of bonded warehouse permit desired. Alterations to or relocation of a bonded warehouse within the same CBP port may be made by applying to the CBP port director of the port in which the facility is located. The authority to establish and maintain a bonded warehouse is set forth in 19 U.S.C. 1555, and provided for by 19 CFR 19.2, 19 CFR 19.3, 19 CFR 19.6, 19 CFR 19.14, and 19 CFR 19.36.

Current Actions: This submission is being made to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 198.

Estimated Number of Responses per Respondent: 46.7.

Estimated Total Annual Responses: 9,254.

Estimated Time per Response: 32 minutes.

Estimated Total Annual Burden Hours: 4,932.

Dated: April 17, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–09166 Filed 4–21–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0106]

Agency Information Collection Activities: Application to Pay Off or Discharge an Alien Crewman

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Application to Pay Off or Discharge an Alien Crewman. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before June 23, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Application to Pay Off or Discharge an Alien Crewman.

OMB Number: 1651–0106.

Form Number: I–408.

Abstract: CBP Form I–408, Application to Pay Off or Discharge an Alien Crewman, is used as an application by the owner, agent, consignee, charterer, master, or commanding officer of any vessel or aircraft arriving in the United States to obtain permission from the Secretary of the Department of Homeland Security to pay off or discharge an alien crewman. This form is submitted to the CBP officer having jurisdiction over the area in which the vessel or aircraft is located at the time of application. CBP Form I–408 is authorized by Section 256 of the Immigration and Nationality Act (8 U.S.C. 1286) and provided for 8 CFR 252.1(h). This form is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%20I-408.pdf.*

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 85,000.

Estimated Time per Respondent: 25 minutes.

Estimated Total Annual Burden Hours: 35,360.

Dated: April 17, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–09164 Filed 4–21–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties. For the calendar quarter beginning April 1, 2014, the interest rates for overpayments will be 2 percent for corporations and 3 percent for non-corporations, and the interest rate for underpayments will be 3 percent for both corporations and non-corporations. This notice is published for the convenience of the importing public and U.S. Customs and Border Protection personnel.

DATES: *Effective Date:* April 1, 2014.

FOR FURTHER INFORMATION CONTACT: Michael P. Dean, Revenue Division, Collection and Refunds Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 614–4882.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 was amended (at paragraph (a)(1)(B) by the Internal Revenue Service Restructuring and Reform Act of 1998, Public Law 105–206, 112 Stat. 685) to provide different interest rates applicable to overpayments: One for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2014–11, the IRS determined the rates of interest for the calendar quarter beginning April 1, 2014, and ending on June 30, 2014. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (1%) plus two percentage points (2%) for a total of three percent (3%) for both corporations and non-corporations. For corporate overpayments, the rate is the Federal short-term rate (1%) plus one percentage point (1%) for a total of two percent (2%). For overpayments made by non-corporations, the rate is the Federal short-term rate (1%) plus two percentage points (2%) for a total of three percent (3%). These interest rates are subject to change for the calendar quarter beginning July 1, 2014, and ending September 30, 2014.

For the convenience of the importing public and U.S. Customs and Border Protection personnel the following list of IRS interest rates used, covering the period from before July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

Beginning date	Ending date	Underpayments (percent)	Overpayments (percent)	Corporate overpayments (Eff. 1–1–99) (percent)
070174	063075	6	6	
070175	013176	9	9	
020176	013178	7	7	
020178	013180	6	6	
020180	013182	12	12	
020182	123182	20	20	
010183	063083	16	16	
070183	123184	11	11	
010185	063085	13	13	
070185	123185	11	11	
010186	063086	10	10	
070186	123186	9	9	
010187	093087	9	8	
100187	123187	10	9	
010188	033188	11	10	
040188	093088	10	9	
100188	033189	11	10	
040189	093089	12	11	
100189	033191	11	10	
040191	123191	10	9	
010192	033192	9	8	
040192	093092	8	7	
100192	063094	7	6	
070194	093094	8	7	
100194	033195	9	8	
040195	063095	10	9	
070195	033196	9	8	
040196	063096	8	7	
070196	033198	9	8	
040198	123198	8	7	
010199	033199	7	7	6
040199	033100	8	8	7
040100	033101	9	9	8
040101	063001	8	8	7
070101	123101	7	7	6
010102	123102	6	6	5
010103	093003	5	5	4
100103	033104	4	4	3
040104	063004	5	5	4
070104	093004	4	4	3
100104	033105	5	5	4
040105	093005	6	6	5
100105	063006	7	7	6
070106	123107	8	8	7
010108	033108	7	7	6
040108	063008	6	6	5
070108	093008	5	5	4
100108	123108	6	6	5
010109	033109	5	5	4
040109	123110	4	4	3

Beginning date	Ending date	Underpayments (percent)	Overpayments (percent)	Corporate overpayments (Eff. 1–1–99) (percent)
010111	033111	3	3	2
040111	093011	4	4	3
100111	063014	3	3	2

Dated: April 17, 2014.

R. Gil Kerlikowske,

Commissioner.

[FR Doc. 2014–09163 Filed 4–21–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5700–FA–03]

Announcement of Funding Awards; Fair Housing Initiatives Program Fiscal Year 2013

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Announcement of Funding Awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department under the Notice of Funding Availability (NOFA) for the Fair Housing Initiatives Program (FHIP) for Fiscal Year (FY) 2013. This announcement contains the names and addresses of those award recipients selected for funding based on the rating and ranking of all applications and the amount of the awards.

FOR FURTHER INFORMATION CONTACT: Myron Newry, Director, FHIP Division, Office of Programs, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW., Room 5230,Washington, DC 20410, telephone number (202) 402–7095 (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: Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601–19 (the Fair Housing Act) provides the Secretary of Housing and Urban Development with responsibility to accept and investigate complaints alleging discrimination based on race, color, religion, sex, handicap, familial status or national origin in the sale, rental, or financing of most housing. In addition, the Fair Housing Act directs the Secretary to coordinate with State and local agencies administering fair housing laws and to cooperate with and render technical assistance to public or private entities carrying out programs to prevent and eliminate discriminatory housing practices.

Section 561 of the Housing and Community Development Act of 1987, 42 U.S.C. 3616, established FHIP to strengthen the Department's enforcement of the Fair Housing Act and to further fair housing. This program assists projects and activities designed to enhance compliance with the Fair Housing Act and substantially equivalent state and local fair housing laws. Implementing regulations are found at 24 CFR Part 125.

For FY 2013, the Department published two Fair Housing Initiatives Program (FHIP) NOFAs. On March 13, 2013, the Department published its first FY 2013 NOFA, which included a June 4, 2013 technical correction. The technical correction announced the availability of approximately $37,276,995 out of the Department's FY 2013 appropriation, to be utilized for FHIP projects and activities. In addition, on March 20, 2013 the Department published a second FHIP NOFA, the Continuing Development Component (CDC) NOFA announcing the availability of approximately $1,200,000 in funding for CDC FHIP projects and activities. Funding availability for discretionary grants for the FHIP NOFA and CDC NOFA included: the Private Enforcement Initiative (PEI) ($24,765,000), the Education and Outreach Initiative (EOI) ($3,771,575), and the Fair Housing Organizations Initiative (FHOI) ($9,940,420). The total available FHOI funding amount also includes the available CDC NOFA funding. This Notice thereby announces grant awards for the FY 2013 FHIP and CDC NOFAs of approximately $38,476,995.

For the FY 2013, the Department reviewed, evaluated and scored the applications received based on the criteria in the FY 2013 NOFAs. As a result, HUD has funded the applications announced in Appendix A, and in accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545). The Department is hereby publishing details concerning the recipients of funding awards in Appendix A of this document.

The Catalog of Federal Domestic Assistance Number for currently funded Initiatives under the Fair Housing Initiatives Program is 14.408.

Dated: April 10, 2014.

Bryan Greene,

Acting Assistant Secretary for Fair Housing and Equal Opportunity.

APPENDIX A FY2013 FAIR HOUSING INITIATIVES PROGRAM AWARDS

Applicant name	Contact	Region	Award Amt.
Education and Outreach/Affirmatively Furthering Fair Housing Component			
Fair Housing Contact Service, Inc., 441 Wolf Lodges Parkway, Suite 200, Akron, OH 44311.	Tamala Skipper, 330–376–6191	5	118,739.00
HOPE Fair Housing Center, 245 W. Roosevelt Road, Bldg. 15, Suite 107, West Chicago, IL 60185.	Shirley Stacy, 630–690–6500	5	124,991.00
Fair Housing of Marin, 615 B Street, San Rafael, CA 94901.	Caroline Peattie, 415–457–5025	9	124,999.00
Fair Housing Council of Oregon, 506 SW. 6th Avenue, Suite 1111, Portland, OR 97204.	Pegge McGuire, 503–223–8197	10	125,000.00

APPENDIX A FY2013 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name	Contact	Region	Award Amt.
Education and Outreach/General Component			
Chautauqua Opportunities, Inc., 17 West Courtney Street, Dunkirk, NY 14048.	Douglas Fricke, 716–366–3333	2	112,233.25
Citizen Action of New Jersey, 744 Broad Street, Suite 2080, Newark, NJ 07102.	Leila Amirhamzeh, 973–643–8800	2	125,000.00
Baltimore Metropolitan Council Inc., 1500 Whetstone Way, Suite 300, Baltimore, MD 21230.	Daniel Pontious, 410–732–0500	3	125,000.00
Equal Rights Center, 11 Dupont Circle, NW., Suite 450, Washington, DC 20036.	Maria Del Toro, 202–370–3209	3	125,000.00
Fair Housing Council of Suburban Philadelphia, Inc., 455 Maryland Drive, Suite 190, Fort Washington, PA 19034.	James Berry, 267–419–8918	3	124,849.00
Piedmont Housing Alliance, 1215 East Market Street, Suite B, Charlottesville, VA 22902.	Karen Reifenberger, 434–817–2436	3	66,234.00
Southwestern Pennsylvania, Legal Services, Inc., 10 West Cherry Ave., Washington, PA 15301.	Robert Brenner, 724–225–6170	3	125,000.00
Jacksonville Area Legal Aid Inc., 126 West Adams Street, Jacksonville, FL 32202.	James Kowalski, 904–356–8371	4	124,862.00
Greater New Orleans Fair HousingHousing Action Center, 404 S. Jefferson Davis Parkway, New Orleans, LA 70119.	James Perry, 504–596–2100	6	125,000.00
Mental Health Advocacy Services Inc., 3255 Wilshire Blvd., Los Angeles, CA 90010.	James Preis, 213–389–2077	9	121,000.00
Southwest Fair Housing Council, 2030 Broadway Blvd., Suite 101, Tucson, AZ 85719.	Richard Rhey, 520–798–1568	9	103,871.00
Education and Outreach Initiative/Higher Education Component			
Fair Housing Center of Greater, Boston, 262 Washington Street, 10th Floor, Boston, MA 02108.	Gina Walcott, 617–399–0491	1	99,999.75
Suffolk University, 8 Ashburton Place, Boston, MA 02108.	Cindy Vachon, 617–725–4145	1	100,000.00
Tennessee State University, 3500 John A. Merritt Blvd., Nashville, TN 37209.	Joan Gibran, 615–963–7255	4	99,939.00
HOPE Fair Housing Center, 245 W. Roosevelt Road, Bldg. 15, Suite 107, West Chicago, IL 60185.	Anne Houghtaling, 630–690–6500	5	99,998.00
John Marshall Law School, 315 S. Plymouth Court 312–987–2397, Chicago, IL 60604.	Michael Seng	5	99,865.00
Education and Outreach Initiative—National Media Campaign Component			
National Fair Housing Alliance, 1101 Vermont Avenue NW., Suite 710, Washington, DC 20005.	Catherine Cloud, 202–898–1661	3	1,499,995.00
Fair Housing Organizations Initiative—Continuing Development Component General			
Suffolk University, 8 Ashburton Place, Boston, MA 02108.	Cindy Vachon, 617–725–4145	1	324,999.00
Northern West Virginia Center for, Independent Living 304–296–6091, 601 East Brockway Avenue, Suite A & B, Morgantown, WV 26501.	Jan Derry	3	240,401.00
Legal Aid of North Carolina, Inc., 224 S. Dawson Street, Raleigh, NC 27601.	Jeffrey Dillman, 919–861–1884	4	325,000.00
Mississippi Center for Justice, P.O. Box 1023, Jackson, MS 39215.	John Jopling, 228–435–7284	4	125,000.00
Fair Housing Center of Central , Indiana, Inc. 615 N. Alabama Street, Suite 426, Indianapolis, IN 46204.	Amy Nelson, 5 317–644–0643	5	324,709.00
Prairie State Legal Services, Inc., 303 North Main Street, Suite 600, Rockford, IL 61101.	David Wolowitz , 630–580–3309	5	325,000.00
North Texas Fair Housing Center, 8625 King George Drive, Suite 130, Dallas, TX 75235.	Frances Espinoza, 469–941–0383	6	309,890.00
Fair Housing Organizations Initiative/Establishing New Organizations Component			
West Tennessee Legal Services, Inc., 210 W. Main Street, Jackson, TN 38301.	John Xanthopoulos, 731–426–1311	4	975,000.00
Fair Housing Organizations Initiative/Lending Component			
Community Legal Aid, Inc., 405 Main Street, Worcester, MA 01608.	Faye Rachlin, 508–425–2794	1	204,800.00

APPENDIX A FY2013 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name	Contact	Region	Award Amt.
Connecticut Fair Housing Center Inc., 221 Main Street, Hartford, CT 06106.	Erin Kemple, 860–247–4400	1	301,781.00
Fair Housing Center of Greater Boston, 262 Washington Street, 10th Floor, Boston, MA 02108.	Gina Walcott, 617–399–0491	1	138,830.77
Brooklyn Legal Services Corp. A , 260 Broadway, Suite 2, Brooklyn, NY 11211.	Gloria Ramon, 718–487–2328	2	325,000.00
Fair Housing Justice Center, Inc., 5 Hanover Square, 17th Floor, New York, NY 10004.	Kumiki Gibson, 212–400–8201	2	322,078.31
Legal Services NYC, 36 Richmond Terrace, Suite 205, Staten Island, NY 10301.	Nancy Goldhill, 718–233–6490	2	325,000.00
Long Island Housing Services, Inc., 640 Johnson Avenue 631–567–5111, Suite 8, Bohemia, NY 11716.	Michelle Santantonio	2	325,000.00
LSNY-Bronx Corporation, dba Legal Services NYC-Bronx, 349 East 149th, 10th Floor, Bronx, NY 10451.	Justin Haines, 718–928–2894	2	325,000.00
South Brooklyn Legal Services, Inc., 105 Court Street, Brooklyn, NY 11201.	Meghan Faux, 718–246–3276	2	325,000.00
National Fair Housing Alliance, 1101 Vermont Avenue NW., Suite 710, Washington, DC 20005.	Catherine Cloud, 202–898–1661	3	324,943.00
Community Legal Services of Mid-Florida, Inc., 128 Orange Avenue, Suite 300, Daytona Beach, FL 32114.	Suzanne Edmunds, 386–255–6573	4	325,000.00
Jacksonville Area Legal Aid, Inc., 126 W. Adams Street, Jacksonville, FL 32202.	James Kowalski, 904–356–8371	4	324,986.00
Legal Aid Society of Palm Beach, County, Inc., 423 Fern Street, Street 200, West Palm Beach, FL 33401.	Robert Bertisch, 561–655–8944	4	325,000.00
Fair Housing Opportunities Inc., dba Fair Housing Center, 432 N. Superior, Toledo, OH 43604.	Michael Marsh, 419–243–6163	5	325,000.00
HOPE Fair Housing Center, 245 W. Roosevelt Road, Bldg. 15, Suite 107, West Chicago, IL 60185.	Shirley Stacy, 630–690–6500	5	324,962.00
John Marshall Law School, 315 S. Plymouth Court, Chicago, IL 60604.	Michael Seng, 312–987–2397	5	324,966.00
Metropolitan Milwaukee Fair, Fair Housing Council, 600 East Mason Street, Suite 401, Milwaukee, WI 53202.	William Tisdale, 414–278–1240	5	273,673.00
Miami Valley Fair Housing Center, Inc., 505 Riverside Drive, Dayton, OH 45405.	Jim McCarthy, 937–223–6035	5	325,000.00
Mid-Minnesota Legal Assistance, 430 First Avenue North, Suite 300, Minneapolis, MN 55401.	Lisa Cohen, 612–46–3770	5	325,000.00
South Suburban Housing Center, 18220 Harwood Avenue, Suite 1, Homewood, IL 60430.	John Petruszak, 708–957–4674	5	224,400.00
Greater New Orleans Fair Housing , Action Center, Inc., 404 South Jefferson Davis Parkway, New Orleans, LA 70119.	James Perry, 504–596–2100	6	325,000.00
Inland Mediation Board, 10681 Foothill Blvd., Suite 101, Rancho Cucamonga, CA 91730.	Lynne Anderson, 909–984–2254	6	325,000.00
Northwest Fair Housing Alliance, 35 W. Main, Suite 250, Spokane, WA 99201.	Marley Hochendoner, 509–209–2667	10	324,999.92
Private Enforcement Initiative/Multi-Year Component			
Community Legal Aid, Inc., 405 Main Street, Worcester, MA 01608.	Faye Rachlin, 508–425–2794	1	320,214.33
Connecticut Fair Housing, Center, Inc., 221 Main Street, Hartford, CT 06106.	Erin Kemple, 860–247–4400	1	325,000.00
Fair Housing Center of Greater Boston, 59 Temple Place, Boston, MA 02111.	Whitney Sands, 617–399–0491	1	325,000.00
Housing Discrimination Project, Inc., 57 Suffolk Street, Holyoke, MA 01040.	Meris Bergquiest, 413–530–9796	1	325,000.00
New Hampshire Legal Assistance, 117 North State Street, Concord, NH 03301.	Daniel Feltes, 603–223–9750	1	271,061.00
Pine Tree Legal Assistance, 88 Federal Street 2, P.O. Box 547, Portland, ME 04112.	Nan Heald, 07–774–4753	1	325,000.00
Vermont Legal Aid, Inc., 264 North Winooski Avenue, Burlington, Vermont 05402.	Rachel Batterson, 802–863–5620	1	324,987.00
Fair Housing Council of Central, New York, Inc., 327 W. Fayette Street, Syracuse, NY 13202.	Merrilee Witherell, 315–471–0420	2	322,025.00
Fair Housing Council of Northern, New Jersey, 131 Main Street, Suite 140, Hackensack, NJ 07601.	Lee Porter, 201–489–3552	2	302,486.50
Fair Housing Justice Center, Inc., 5 Hanover Square, 17th Floor, New York, NY 10004.	Kumiki Gibson, 212–400–8201	2	324,999.00
Housing Opportunities Made Equal Inc., 700 Main Street, 3rd Floor, Buffalo, NY 14202.	Scott Gehl, 716–854–1400	2	308,167.00
Legal Assistance of Western, NY, Inc., 1 West Main Street, Suite 400, Rochester, NY 14614.	Louis Prieto, 585–295–5610	2	298,000.00

APPENDIX A FY2013 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name	Contact	Region	Award Amt.
Legal Services NYC Staten Island, 36 Richmond Terrace, Staten Island, NY 10301.	Nancy Goldhill, 718–233–6490	2	325,000.00
Long Island Housing Services, Inc., 640 Johnson Avenue, Suite 8, Bohemia, NY 11716.	Michelle Santantonio, 631–567–5111	2	325,000.00
South Brooklyn Legal Services, Inc., 105 Court Street, Brooklyn, NY 11201.	Meghan Faux, 718–237–5500	2	325,000.00
Westchester Residential Opportunities, Inc., 470 Mamaroneck Avenue, Suite 410, White Plains, NY 10605.	Geoffrey Anderson, 914–428–4507	2	325,000.00
Baltimore Neighborhoods, Inc., 2217 St. Paul Street, Baltimore, MD 21218.	Elijah Etheridge, 410–243–4468	3	324,411.00
Community Legal Aid Society, Inc., 100 West 10th Street, Suite 801, Wilmington, DE 19801.	Nancy Goldhill, 718–233–6490	3	311,807.00
Equal Rights Center, 11 Dupont Circle NW., Suite, Washington, DC 20036.	Maria Del Toro, 450 202–370–3209	3	325,000.00
Fair Housing Council of Suburban, Philadelphia, Inc., 455 Maryland Drive, Suite 190, Fort Washington, PA 19034.	James Berry, 267–419–8918	3	324,877.00
Fair Housing Partnership of Greater Pittsburgh, 2840 Liberty Avenue, Suite 205, Pittsburgh, PA 15222.	Peter Harvey, 412–391–2535	3	325,000.00
Fair Housing Rights Center in Southeastern Pennsylvania, 105 W. Glenside Avenue, Suite E, Glenside, PA 19038.	Angela McIver, 215–576–7711	3	324,000.00
National Fair Housing Alliance, 1101 Vermont Avenue NW., Washington, DC 20005.	Catherine Cloud, 202–898–1661	3	325,000.00
Southwestern Pennsylvania Legal Services, Inc., 10 West Cherry Ave. Washington, PA 15301.	Robert Brenner, 724–225–6170	3	325,000.00
Bay Area Legal Services, Inc., 829 W. Dr. MLK, Jr., Blvd. Suite 200, Tampa, FL 33603.	Richard Woltmann, 813–232–1222	4	292,920.00
Central Alabama Fair Housing Center, 2867 Zelda Road, Montgomery, AL 36106.	Faith Cooper, 334–263–4663	4	324,000.00
Community Legal Services of Mid-Florida, Inc., 128 Orange Avenue, Daytona Beach, FL 32119.	Suzanne Edmunds, 386–255–6573	4	325,000.00
Fair Housing Center of the Greater Palm Beaches, Inc., 1300 W. Lantana Road, Suite 200, Lantana, FL 33462.	Vince Larkins, 561–533–8717	4	321,723.00
Fair Housing Continuum, Inc., 4760 N. Hwy. US 1, Suite, Melbourne, FL 32935.	David Baade, 203 321–757–3532	4	320,667.00
Jacksonville Area Legal Aid, Inc., 126 West Adams Street, Jacksonville, FL 32202.	James Kowalski, 904–356–8371	4	324,902.00
Legal Aid Society of Palm Beach County, Inc., 423 Fern Street, Suite200, West Palm Beach, FL 33401.	Robert Bertisch, 561–655–8944	4	313,246.00
Lexington Fair Housing Council, Inc., 207 E. Reynolds Road, Suite 130, Lexington, KY 40517.	Arthur Crosby, 859–971–8067	4	296,996.00
Metro Fair Housing Services, Inc., 175 Trinity Avenue, East Point, GA 30344.	Gail Williams, 404–524–0000	4	325,000.00
Mobile Fair Housing Center, Inc., P.O. Box 161202, Mobile, AL 36616.	Teresa Bettis, 251–479–1532	4	319,795.33
Tennessee Fair Housing Council, Inc., 107 Music City Circle, Suite 318, Nashville, TN 37214.	Tracey McCartney, 615–874–2344	4	325,000.00
West Tennessee Legal Services, Inc., 210 West Main Street, Jackson, TN 38301.	John Xanthopoulos, 731–426–1311	4	325,000.00
Access Living of Metropolitan, Chicago, 115 West Chicago Avenue, Chicago, IL 60654.	Jason Gilmore, 312–640–2185	5	325,000.00
Chicago Lawyers' Committee for Civil Rights Under Law, Inc., 100 North LaSalle Street, Suite 600, Chicago, IL 60602.	Jay Readey, 312–630–2185	5	325,000.00
Fair Housing Center of Metropolitan, Detroit, 220 Bagley Street, Suite 102, Detroit, MI 48226.	Clifford Schrupp, 313–963–1274	5	299,525.00
Fair Housing Center of Southeastern, Michigan P.O. Box 7825, Ann Arbor, MI 48107.	Pamela Kisch, 734–994–3426	5	275,765.00
Fair Housing Center of West Michigan, 20 Hall Street SE., Grand Rapids, MI 49507.	Nancy Haynes, 616–451–2980	5	325,000.00
Fair Housing Contact Services, Inc., 441 Wolf Ledges Parkway, Suite 200, Akron, OH 44311.	Tamela Skipper, 330–376–6191	5	325,000.00
Fair Housing Opportunities, Inc., dba Fair Housing Center, 432 N. Superior, Toledo, OH 43604.	Michael Marsh, 419–243–6163	5	325,000.00
Fair Housing Resource Center, Inc., 1100 Mentor Avenue, Painesville, OH 44077.	Patricia Kidd, 440–392–0147	5	325,000.00
HOPE Fair Housing Center, 245 W. Roosevelt Road, West Chicago, IL 60185.	Shirley Stacy, 630–690–6500	5	324,020.00

APPENDIX A FY2013 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name	Contact	Region	Award Amt.
Housing Opportunities Made Equal of Greater Cincinnati, Inc., 2400 Reading Road, Suite 118, Cincinnati, OH 45202.	Elizabeth Brown, 513–721–4663	5	324,530.00
Housing Research and Advocacy Center, 2728 Euclid Avenue, Suite 200, Cleveland, OH 44115.	Hilary King, 216–361–9240	5	325,000.00
John Marshall Law School, 315 S. Plymouth Court, Chicago, IL 60604.	Michael Seng, 312–986–2397	5	279,951.00
Legal Services of Eastern Michigan, 436 S. Saginaw Street, Suite 101, Flint, MI 48502.	Teresa Trantham, 810–234–2621	5	266,448.00
Metropolitan Milwaukee Fair, Housing Council, Inc., 600 East Mason Street, Milwaukee, WI 53202.	William Tisdale, 414–278–1240	5	322,629.00
Miami Valley Fair Housing Center, Inc., 21 East Babbitt Street, Dayton, OH 45405.	Jim McCarthy, 937–223–6035	5	325,000.00
Mid-Minnesota Legal Assistance, 430 First Avenue North, Suite 300, Minneapolis, MN 55401.	Lisa Cohen, 612–746–3770	5	325,000.00
South Suburban Housing Center, 18220 Harwood Avenue, Suite 1, Homewood, IL 60430.	John Petruszak, 708–957–4674	5	324,775.00
Austin Tenants Council Inc., 1640–B E. Second Street, Suite 150, Austin, TX 78702.	Katherine Stark, 512–474–7007	6	324,741.97
Greater Houston Fair Housing Center, Inc., P.O. Box 292, 1900 Kane Street, Room 111, Houston, TX 77001.	Daniel Bustamente, 713–641–3247	6	325,000.00
Greater New Orleans Fair Housing, Action Center, Inc., 404 South Jefferson Davis Parkway, New Orleans, LA 70119.	James Perry, 504–596–2100	6	325,000.00
Metropolitan Fair Housing Council of Oklahoma, Inc., 1500 NE 4th Street, Suite 204, Oklahoma City, OK 73117.	Mary Dulan, 405–232–3247	6	324,479.00
San Antonio Fair Housing Council, Inc., 4414 Centerview Drive, Suite 229, San Antonio, TX 78228.	Sandra Tamez, 210–733–3247	6	325,000.00
Family Housing Advisory Services, Inc., 2401 Lake Street, Omaha, NE 68111.	Michael Robinson, 402–934–6727	7	325,000.00
Metropolitan St. Louis Equal Housing and Opportunity Council, 1027 S. Vandeventer Avenue, 6th Floor, St. Louis, MO 63110.	Willie Jordan, 314–448–9063	7	324,996.00
Disability Law Center, 205 N. 400 W, Salt Lake City, UT 84103.	Adina Zahradnikova	8	234,296.67
Montana Fair Housing, Inc., 519 East Front Street, Butte, MT 59701.	Pamela Bean, 406–782–2573	8	167,900.00
Arizona Fair Housing Center, 615 N. 5th Avenue, Phoenix, AZ 85003.	Edward Valenzuela, 602–548–1599	9	317,651.00
Bay Area Legal Aid, 1735 Telegraph Avenue, Oakland, CA 94612.	Jaclyn Pinero, 510–250–5229	9	325,000.00
California Rural Legal Assistance, Inc., 631 Howard Street, Suite 300, San Francisco, CA 94105.	Susan Podesta, 530–742–7235	9	325,000.00
Fair Housing Council of Central California, 333 W. Shaw Avenue, Suite 14, Fresno, CA 93704.	Marilyn Borelli, 559–244–2950	9	259,034.00
Fair Housing Council of Riverside County, Inc., 3933 Mission Inn Avenue, Riverside, CA 92501.	Monica Lopex, 951–682–6581	9	284,894.00
Fair Housing of Marin, 615 B Street, San Rafael, CA 94901.	Caroline Peattie, 415–457–5025	9	324,998.00
Greater Bakersfield Legal Assistance, Inc., 615 California Avenue, Bakersfield, CA 93304.	Estela Casas, 661–334–4660	9	312,708.00
Greater Napa Fair Housing Center, 603 Cabot Way, Napa, CA 94559.	Nicole Collier, 707–224–9720	9	309,000.00
Inland Mediation Board, 10681 Foothill Blvd., Suite 101, Cucamonga, CA 91730.	Lynne Anderson, 909–984–2254	9	325,000.00
Legal Aid Society of Hawaii Elise, 924 Bethel Street, Honolulu, HI 96813.	Von Dohlen, 808–527–8056	9	325,000.00
Legal Aid Society of San Diego, Inc., 110 S. Euclid Avenue, San Diego, CA 92114.	Branden Butler, 619–417–2623	9	323,490.53
Orange County Fair Housing Council David Levy 9, 201 S. Broadway, Santa Ana, CA 92701.	David Levy, 714–569–0823	9	224,680.00
Silver State Fair Housing Council, 855 E. Forth Street, Suite E, Reno, NV 89512.	Katherine Knister, 775–324–0990	9	325,000.00
Southern California Housing Rights Center, 3255 Wilshire Blvd., Los Angeles, CA 90010.	Chancela Al-Mansour, 213–387–8400	9	324,980.00
Southwest Fair Housing Council, 2030 E. Broadway Blvd., Suite 101, Tucson, AZ 85719.	Richard Rhey, 520–798–1568	9	311,245.00
Fair Housing Center of Washington, 1517 South Fawcett, Suite 200, Tacoma, WA 98302.	Lauren Walker, 253–274–9523	10	325,000.00

APPENDIX A FY2013 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name	Contact	Region	Award Amt.
Fair Housing Council of Oregon, 506 SW. 6th Avenue, Suite 111, Portland, OR 97204.	Pegge McGuire, 503–223–8197	10	325,000.00
Intermountain Fair Housing Council, Inc. 208–383–0695, 5460.	W. Franklin Road, Suite M 200, Boise, ID 83702.	Zoe Olson 10	324,630.00

[FR Doc. 2014–09174 Filed 4–21–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–R–2011–N030; 93261–1263–000–5C]

RIN 1018–AX35

Friends Policy for the U.S. Fish and Wildlife Service

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the Fish and Wildlife Service (Service), announce that we have established a Friends policy, the purpose of which is to assist Service employees in achieving our mission more efficiently and effectively by increasing community involvement through partnerships with nonprofit Friends organizations (Friends). The policy includes guidance on the relationship between the Service and Friends, Service employee responsibilities, financial and administrative practices, Friends Partnership Agreements, and revenue generating operations.

DATES: This policy is in effect as of April 4, 2014.

ADDRESSES: The Friends policy is available at *www.fws.gov/refuges/friends* and in the Fish and Wildlife Service Manual at: *www.fws.gov/policy/manuals/.*

FOR FURTHER INFORMATION CONTACT: Joanna Webb, Visitor Services, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 635, Arlington, VA 22203; *Telephone:* 703–358–2392.

SUPPLEMENTARY INFORMATION:

Introduction

We have established a final Friends policy, which is available at *www.fws.gov/refuges/friends* and in the Service Manual at *www.fws.gov/policy/manuals/.*

We have incorporated this policy as part 633, chapters 1–4 of the Fish and Wildlife Service Manual. The purpose of the policy is to assist Service employees in achieving our mission more efficiently and effectively by increasing community involvement through partnerships with nonprofit Friends. The policy includes guidance on the relationship between the Service and Friends organizations, Service employee responsibilities, financial and administrative practices, Friends Partnership Agreements, and revenue-generating operations.

Background

While these chapters are written to implement specific provisions of the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (Pub. L. 105–242, 112 Stat. 1574), and the National Fish Hatchery System Volunteer Act of 2006 (Pub. L. 109–360), they also provide direction and administrative procedures for other divisions of the Service seeking to establish and work with Friends organizations.

The two Acts together encourage the National Wildlife Refuge and Hatchery Systems to enter into partnerships with non-Federal entities such as Friends organizations to promote public awareness of Service resources and facilitate public participation in the conservation of those resources, and to accept donations of funds and other contributions by people and organizations through partnerships with non-Federal entities such as Friends organizations. We based this policy on these statutory requirements.

The National Friends Program (National Refuge System) was established in 1996 to encourage and organize community involvement in refuge activities. The program works to expand the number and effectiveness of community-based Friends organizations, which assist with increasing visibility and support for refuges, the Refuge System, and conservation. During the last decade, the Friends program has grown substantially in size and complexity, with approximately 200 Refuge Friends organizations and 30 Fisheries Friends organizations, with a combined estimated total of 40–60,000 members. These organizations significantly strengthen refuges and fish hatcheries across the country and help the Service fulfill its mission.

Final Policy

We recognize that Friends provide many vital services to our sites and programs. This policy provides guidance on roles and responsibilities for the Service to enter into partnerships and work with Friends organizations. The purpose of this policy is to provide Service employees with guidance when working with Friends organizations.

Chapter 1 of this policy identifies the legal authorities under which the Service must work with Friends organizations, describes the relationship between the Service and Friends organizations, and describes the responsibilities of Service employees and Friends organizations.

Chapter 2 describes the information we need when we consider the financial and administrative activities under Friends agreements, including the practices and activities that the Service may allow on Service-managed property.

Chapter 3 describes the major components of and process for developing and modifying legal Friends Partnership Agreements between Friends organizations and the Service.

Chapter 4 describes how we work with Friends organizations to manage revenue-generating operations on Service property.

Summary of Comments and Changes to the Final Policy

On October 18, 2010, we announced the draft of this policy and requested public comments via a **Federal Register** notice (75 FR 63851). The comment period was open from October 18, 2010, through December 2, 2010. On March 9, 2011, we opened a second public comment period, which went through April 8, 2011 (76 FR 12989). In total, we received approximately 40 comment letters on the draft policy. The letters included a total of approximately 500 individual comments on the draft policy. The comments were from Federal and State government agencies, nongovernmental organizations, and individuals. Most of the comments addressed specific elements, while some comments expressed general support,

without addressing specific elements. We considered all of the information and recommendations for improvement included in the comments and made appropriate changes to the draft policy. We also made some additions and clarifications to the policy that were not addressed in the public comments, but were discovered through internal briefings and reviews during the policy revision period.

Dated: April 7, 2014.

Daniel M. Ashe,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2014–09092 Filed 4–21–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA–048669, LLCAD07000, L51010000.ER0000.LVRWB10B4050]

Notice of Availability of the Record of Decision for the San Diego Gas & Electric Ocotillo Sol Solar Project and California Desert Conservation Area Plan Amendment, Imperial County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) and approved plan amendment to the California Desert Conservation Area (CDCA) for the San Diego Gas & Electric (SDG&E) Ocotillo Sol Solar Project in Imperial County, California. The Principal Deputy Assistant Secretary, Land and Minerals Management, approved the ROD on April 7, 2014, which constitutes the final decision of the Department of the Interior.

ADDRESSES: Copies of the Ocotillo Sol Solar Project ROD/approved CDCA plan amendment are available upon request at the BLM El Centro Field Office at 1661 S. 4th Street, El Centro, CA 92243, at the BLM California Desert District Office at 22835 Calle San Juan de los Lagos, Moreno Valley, CA 92553, or via the Internet at the following Web site: *http://www.blm.gov/ca/st/en/fo/elcentro/nepa/ocotillosol.html*.

FOR FURTHER INFORMATION CONTACT: Noel Ludwig, BLM Project Manager, telephone 951–697–5368; address BLM California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553; or email *nludwig@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The applicant, SDG&E, filed an application for a right-of-way (ROW) grant authorization to construct, operate, maintain, and decommission the Ocotillo Sol project, a 20-megawatt (MW) (peak load) solar photovoltaic (PV) power plant facility, on 115 acres of BLM-administered public lands in Imperial County, California, including a 15-acre temporary construction laydown area. The site for the solar facility would be adjacent to the existing Imperial Valley Substation (IVS), approximately 5 miles north of the United States-Mexico border, 9 miles southwest of El Centro, and 82 miles east of San Diego. The proposed project site is located within the BLM's CDCA, the BLM's Yuha Basin Area of Critical Environmental Concern, and the Yuha Desert Management Area for the flat-tailed horned lizard. A portion of the Juan Bautista de Anza National Historic Trail lies approximately 5 miles southwest of the project site at its closest point, and runs approximately north-south. The Jacumba Mountains Wilderness Area lies 11.7 miles to the west of the project site. The Agency Selected Alternative retains the 100-acre solar facility from the proposed project, but reduces the laydown area from 15 acres to 2 acres; this was described in the final Environmental Impact Statement (EIS) as Alternative 3: Reduced Construction Footprint, and identified as the Preferred Alternative.

All proposed project components, including the temporary 2-acre construction laydown area, would be located on BLM-administered lands subject to a ROW grant. The proposed Ocotillo Sol project components would include the PV modules and mounting structures, a maintenance building with an associated parking area, internal roads, inverters, transformers, and the combining switchgear. An existing road to the IVS would provide access to the proposed project site. New minor internal roads would be constructed between the module rows. The interconnection to the IVS would be via underground trench. Once approved and operational, the proposed Ocotillo Sol project is expected to have an average generating capacity of 15 to 18 MW, depending on the specific technology chosen, with a peak output of 20 MW.

In addition to mitigation and monitoring measures applied to all large ground disturbance projects on BLM land, the following are several of the key mitigation measures included in the ROD:

- Flat-tailed horned lizard translocation and monitoring plan;
- Burrowing owl mitigation and monitoring plan;
- Flat-tailed horned lizard exclusionary fence monitoring plan;
- Compensatory mitigation for flat-tailed horned lizard habitat losses;
- Wildlife mortality monitoring plan and mitigation measures; and
- An Archaeological Resources Monitoring and Discovery Plan, Tribal Participation Plan, and Long-Term Archaeological Management Plan.

The project site is located in the California Desert District within the planning boundary of the CDCA Plan, which is the applicable resource management plan for the project site and surrounding areas. The CDCA Plan, while recognizing the potential compatibility of solar energy generation facilities with other uses on public lands, requires that all sites associated with power generation or transmission not already identified in the Plan be considered through the BLM's land use plan amendment process. As a result, prior to approval of a ROW grant for the Ocotillo Sol Solar Project, the BLM must amend the CDCA Plan to allow the solar energy generating project on that site. The approved amendment to the CDCA Plan specifically revises the CDCA Plan to allow for the development of the Ocotillo Sol Solar Project and ancillary facilities on land managed by the BLM.

In addition to the ROW grant and plan amendment, the ROD also authorizes the temporary closures of existing routes for purposes of construction and maintenance of the underground transmission line for the Project as described in the ROD.

A Notice of Availability of the proposed plan amendment/final EIS for the Ocotillo Sol Solar Project was published on July 26, 2013 (78 FR 45268). Publication of the Notice of Availability for the plan amendment/final EIS initiated a 30-day protest period for the proposed amendment to the CDCA Plan. At the close of the 30-day period, no written protests were received. Simultaneously with the protest period, the Governor of California conducted a 30-day consistency review of the proposed plan amendment to identify any inconsistencies with State or local plans, policies or programs; no inconsistencies were identified.

Because this decision has been approved by the Principal Deputy Assistant Secretary, Land and Mineral Management, it is not subject to administrative appeal (43 CFR 4.410(a)(3)).

Authority: 40 CFR 1506.6.

Neil Kornze,

Director.

[FR Doc. 2014–09139 Filed 4–21–14; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[14XR5173F7, RX120560500000004, RR02142500]

Notice of Intent To Prepare a Draft Environmental Impact Statement/ Environmental Impact Report and Notice of Scoping Meeting for the Proposed North Valley Regional Recycled Water Program

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior, through the Bureau of Reclamation, and the Del Puerto Water District, propose to prepare a draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for the North Valley Regional Recycled Water Program. The North Valley Regional Recycled Water Program would provide recycled water from the Cities of Turlock and Modesto via the Central Valley Project's Delta-Mendota Canal to the Del Puerto Water District for irrigation purposes, and could further provide annual Incremental Level 4 water to south of the Sacramento-San Joaquin River Delta Central Valley Project Improvement Act designated wildlife refuges for wetlands.

DATES: Submit written comments on the scope of the draft EIS/EIR by May 28, 2014.

A public scoping meeting will be held on May 13, 2014, 3:00–7:00 p.m., in Modesto, California.

ADDRESSES: Written comments on the scope of the draft EIS/EIR should be sent to Mr. Benjamin Lawrence, Bureau of Reclamation, 1243 N Street, SCC–412, Fresno, California 93721, or via email to *blawrence@usbr.gov.*

The public scoping meeting will be held at the Modesto City Hall, 1010 10th Street, Modesto, CA 95354.

FOR FURTHER INFORMATION CONTACT: Mr. Benjamin Lawrence, Natural Resources Specialist, Bureau of Reclamation at the above address, via email at *blawrence@usbr.gov,* or at 559–487–5039. Information about the project is also available on the project Web site: *http://www.nvr-recycledwater.org/.*

SUPPLEMENTARY INFORMATION: The Del Puerto Water District (DPWD) and the Cities of Turlock and Modesto (Cities) (Partner Agencies) propose to implement a regional solution to address water supply shortages within DPWD's service area on the west side of the San Joaquin River in San Joaquin, Stanislaus and Merced Counties, south of the Sacramento-San Joaquin River Delta (Delta). Specifically, the project proposes to deliver 59,000 acre feet per year of recycled water produced by the Cities via the Delta-Mendota Canal. Recycled water would be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing the San Joaquin River, and ending at the Delta-Mendota Canal. The recycled water would then be conveyed directly to DPWD customers or to San Luis Reservoir for storage during low water demand periods. In addition to uses within DPWD's service area, this project also proposes to provide water to Central Valley Project Improvement Act (CVPIA)-designated Refuges located south of the Delta to meet their need for water supply. This draft EIS/EIR assesses the environmental effects of the North Valley Regional Recycled Water Program (or Proposed Action).

The objective of the Proposed Action is to maximize use of a sustainable, alternative water supply for the region that addresses reductions in water supplies from the Central Valley Project (CVP) and offsets pressure on groundwater use. Specifically, the objectives of the project are as follows:

- Establish an alternative, reliable, long-term water supply of 59,000 acre feet per year of recycled water for DPWD;
- Maximize the beneficial use of recycled water to DPWD customers and south of Delta CVPIA wildlife refuges;
- Maximize Project Partners' control of operations and delivery of water;
- Maximize use of existing facilities for treatment/delivery of recycled water;
- Acquire a long-term reliable Incremental Level 4 water supply, as defined in CVPIA Section 3406(d)(2), for south of Delta CVPIA wildlife refuges;
- Avoid or minimize, through incorporation of design constraints and management practices, impacts to environmental resources such as surface water, groundwater levels, land subsidence, groundwater quality and biological resources including sensitive species;
- Deliver agricultural water to DPWD at a cost that supports regional economic sustainability.

Purpose and Need

One of the authorized purposes of CVP is to provide water for irrigation and domestic use within California's Central Valley. In recent years, south of the Delta CVP contractors and CVPIA wildlife refuges have experienced a reduction in CVP water allocations from historical amounts due to drought conditions and Delta pumping restrictions. As a CVP contractor, DPWD has a need to establish alternative, reliable long-term agricultural water supplies to offset this reduction in supply. Also CVPIA Section 3406(d)(2) directs the Bureau of Reclamation to acquire and provide Incremental Level 4 water to all CVPIA designated wildlife refuges in the Central Valley. The purpose of making the Cities' recycled water available to DPWD is to provide an additional source of water south of the Delta, which can be used to meet both agricultural and Refuge wildlife needs.

Environmental Issues and Resources To Be Examined

The draft EIS/EIR will include analysis and disclosure of the effects on the quality of the human and physical environment that may occur as a result of implementation of the project. Issues to be addressed may include, but are not limited to, impacts on biological resources, hydrology, water quality, historic and archaeological resources, air quality, noise, traffic, safety, hazardous materials and waste, visual resources, socioeconomics, and environmental justice.

Special Assistance for Public Meetings

If special assistance is required to participate in the scoping meeting, please contact Mr. Benjamin Lawrence at 559–487–5039, or via email at *blawrence@usbr.gov.* A telephone device for the hearing impaired (TTY) is available at 800–735–2929.

Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 11, 2014.

Anastasia T. Leigh,

Regional Environmental Officer, Mid-Pacific Region.

[FR Doc. 2014–09085 Filed 4–21–14; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1143 (Review)]

Small Diameter Graphite Electrodes From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether the antidumping duty order on small diameter graphite electrodes from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* April 7, 2014.

FOR FURTHER INFORMATION CONTACT: Douglas Corkran (202–205–3057), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On Monday, April 7, 2014, the Commission determined that the domestic interested party group response to its notice of institution (79 FR 145, January 2, 2014) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on Friday, May 2, 2014, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before Wednesday, May 7, 2014 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by Wednesday, May 7, 2014. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *http://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: April 16, 2014.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–09081 Filed 4–21–14; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] The Commission has found the responses submitted by GrafTech International Ltd., SGL Carbon LLC, and Superior Graphite Company to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–131–039]

Environmental Goods Trade Agreement: Advice on the Probable Economic Effect of Providing Duty-Free Treatment for Imports

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation, scheduling of public hearing, and opportunity to provide written submissions.

SUMMARY: Following receipt of a request dated April 2, 2014 (received April 4, 2014) from the United States Trade Representative (USTR) under section 131 of the Trade Act of 1974 (19 U.S.C. 2151), the U.S. International Trade Commission (Commission) instituted investigation No. TA–131–039, *Environmental Goods Trade Agreement: Advice on the Probable Economic Effect of Providing Duty-Free Treatment for Imports.*

DATES:

May 6, 2014: Deadline for filing requests to appear at the public hearing.

May 6, 2014: Deadline for filing pre-hearing briefs and statements.

May 14, 2014: Public hearing.

May 19, 2014: Deadline for filing post-hearing briefs and statements.

May 19, 2014: Deadline for filing all other written submissions.

August 4, 2014: Transmittal to USTR of Commission report.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS)

at *https://edis.usitc.gov/edis3-internal/app.*

FOR FURTHER INFORMATION CONTACT: Project Leader Andrew David (202–205–3368 or *andrew.david@usitc.gov*), or Deputy Project Leader Laura Bloodgood (202–708–4726 or *laura.bloodgood@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: In his letter the USTR stated that he had notified Congress on March 21, 2014, of the President's intent to enter into negotiations with a group of World Trade Organization (WTO) Members to eliminate tariffs on environmental goods. As requested by the USTR, the Commission will, pursuant to section 131 of the Trade Act of 1974, provide a report containing its advice as to the probable economic effect of providing duty-free treatment for imports of environmental goods (as identified in the list attached to the USTR's letter) from all U.S. trading partners on (i) industries in the United States producing like or directly competitive products, and (ii) consumers. As requested, the report will provide analysis for each of the environmental goods for which U.S. tariffs remain, taking into account implementation of U.S. commitments in the WTO. The Commission's advice will be based on the U.S. tariff nomenclature in effect during 2014 and trade data for 2013. As requested, the Commission will provide its report to the USTR by August 4, 2014. A copy of the list of environmental goods attached to the USTR's letter can be found at *http://www.usitc.gov/research_and_analysis/What_We_Are_Working_On.htm*.

The USTR stated that portions of the Commission's report will be classified as national security information and that the USTR considers the report to be an inter-agency memorandum that will contain pre-decisional advice and be subject to the deliberative process privilege.

This is one of two reports on environmental goods that the USTR requested in his letter of April 2, 2014. The USTR also requested, pursuant to section 332(g) of the Tariff Act of 1930 (19 U.S.C. § 1332(g)), that the Commission conduct an investigation and prepare a report containing certain trade information and estimates on environmental goods, as specified in the letter. Notice of that investigation, No. 332–548, U.S. Environmental Goods Trade, is being published separately in the **Federal Register.** The USTR asked the Commission to provide this second report by October 6, 2014.

Public Hearing: A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on May 14, 2014. Requests to appear at the public hearing should be filed with the Secretary, no later than 5:15 p.m., May 6, 2014, in accordance with the requirements in the ''Submissions'' section below. All pre-hearing briefs and statements should be filed not later than 5:15 p.m., May 6, 2014; and all post-hearing briefs and statements should be filed not later than 5:15 p.m., May 19, 2014.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., May 19, 2014. All written submissions must conform with the provisions of section 201.8 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information (CBI) must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the USTR. The Commission will not otherwise publish any confidential business information in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.

Issued: April 17, 2014.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–09125 Filed 4–21–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–548]

U.S. Environmental Goods Trade

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation, and opportunity to provide written submissions.

SUMMARY: Following receipt of a request dated April 2, 2014 (received April 4, 2014) from the United States Trade Representative (USTR) under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the U.S. International Trade Commission (Commission) instituted investigation No. 332–548, *U.S. Environmental Goods Trade.*

DATES: July 1, 2014: Deadline for filing written submissions.

October 6, 2014: Transmittal to USTR of Commission report.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS)

at *https://edis.usitc.gov/edis3-internal/app.*

FOR FURTHER INFORMATION CONTACT: Project Leader Andrew David (202–205–3368 or *andrew.david@usitc.gov*), or Deputy Project Leader Mahnaz Khan (202–205–2046 or *mahnaz.khan@usitc.gov*) for information specific to these investigations. For information on the legal aspects of these investigations, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov).* The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov).* Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: As requested by the USTR, the Commission will provide trade information and estimates for certain environmental goods (the items identified by the USTR applicable to this investigation in the list attached to his letter), including, to the extent practicable, information on the U.S. HTS nomenclature for these items; specific product examples for ''ex-outs'' that specify an end use; major U.S. producers; the estimated value of U.S. imports and exports; likely key U.S. export markets; and permanent normal trade relations/most-favored nation applied and bound tariff rates in key environmental goods markets. As requested, trade information will be based on 2013 data.

The Commission will provide this report to the USTR by October 6, 2014. A copy of the list of environmental goods attached to the USTR's letter can be found at *http://www.usitc.gov/research_and_analysis/What_We_Are_Working_On.htm.* Only the items on the list identified by the USTR as pertaining to ''Inv. 2'' will be addressed in this report.

The USTR stated that portions of the Commission's report will be classified as national security information and that the USTR considers the report to be an inter-agency memorandum that will contain pre-decisional advice and be subject to the deliberative process privilege.

This is the second of two reports on environmental goods that the USTR requested in his letter of April 2, 2014. The USTR also requested, pursuant to section 131 of the Trade Act of 1974 (19 U.S.C. § 2151), that the Commission provide a report containing its advice as to the probable economic effect of providing duty-free treatment for imports of environmental goods from U.S. trade partners on (i) industries in the United States producing like or directly competitive products, and (ii) consumers. Notice of that investigation no. TA–131–039, Environmental Goods Trade Agreement: Advice on the Probable Economic Effect of Providing Duty-Free Treatment for Imports, is being published separately in the **Federal Register**. The USTR asked the Commission to provide this first report by August 4, 2014. The Commission will also offer the opportunity for interested parties to provide information and views in connection with this first report at a public hearing on May 14, 2014.

Written Submissions: Interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., May 19, 2014. All written submissions must conform with the provisions of section 201.8 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information (CBI) must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of this investigation in the classified report it sends to the USTR. The Commission will not otherwise publish any confidential business information in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.

Issued: April 17, 2014.

William R. Bishop,

Supervisory Hearing and Information Officer.

[FR Doc. 2014–09128 Filed 4–21–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Federal Advisory Committee Meeting

AGENCY: Department of Justice.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: This notice announces a forthcoming public meeting of the National Commission on Forensic Science.

DATES: The meeting will be held on May 12, 2014, from 1:00 p.m. to 5:00 p.m. and May 13, 2014 from 9 a.m. to 5:00 p.m. Online registration for the meeting must be completed on or before 5:00 p.m. (EST) May 5, 2014.

Location: Office of Justice Programs, 3rd floor ballroom, 810 7th Street NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Brette Steele, Senior Advisor on Forensic Science and Senior Counsel to the Deputy Attorney General, by email at *Brette.L.Steele@usdoj.gov* or by phone at (202) 305–0180.

SUPPLEMENTARY INFORMATION:

Agenda and Meeting Materials: On May 12, the Commission will explore issues of cognitive bias and ethics in forensic science. On May 13, NIST will deliver an update on the Organization of Scientific Area Committees. The remainder of the meeting will include reports from the following subcommittees: Accreditation and Proficiency Testing; Interim Solutions; Medico-legal Death Investigation; Reporting and Testimony; Scientific Inquiry and Research; Training on Science and Law. The Commission will receive oral comments from the public from 4:30 p.m. to 5:00 p.m. each business day. All meeting materials will be made available to the public on *http://www.facadatabase.gov* under committee number 83353.

Registration: The meeting will be open to the public and webcast. Those interested in attending the meeting in person must register online at *http://conferences.csrincorporated.com* using conference code: 2014–107P no later than 5:00 p.m. (EST) May 5, 2014. Seating in the meeting room is limited and will be available on a first-come, first-served basis. Those interested in viewing the webcast may visit *http://stream.sparkstreetdigital.com/player-ce.html?id=doj-may12* while the meeting is in progress.

Public Comments: Individuals interested in making oral comments should indicate their intent through the on-line registration form. Three-minute public comment slots will be allocated on a first-come, first-served basis. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled public comment periods, written comments will be accepted in lieu of oral comments. Written public comments may be submitted to Brette Steele no later than 5:00 p.m. (EST) on May 5, 2014.

Posting of Public Comments: In accordance with the Federal Records Act, please note that all comments received are considered part of the public record, and shall be made available for public inspection and posted online. The comments to be posted may include personally identifiable information (such as your name, address, etc.) and confidential business information voluntarily submitted by the commenter.

If you want to submit personally identifiable information (such as your name, address, etc.) as part of your comment, but do not want it to be made available for public inspection and posted online, you must include the phrase ''PERSONALLY IDENTIFIABLE INFORMATION'' in the first paragraph of your comment. You must also place all the personally identifiable information you do not want made available for public inspection or posted online in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made available for public inspection and posted online, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be made available for public inspection or posted online.

Personally identifiable information and confidential business information identified and located as set forth above will be redacted and the comment, in redacted form, will be made available for public inspection and posted on the Commission's Web site.

Accommodations: The Department of Justice welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations, please indicate your requirements on the on-line registration form.

James M. Cole,

Deputy Attorney General.

[FR Doc. 2014–09101 Filed 4–21–14; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the CJIS Advisory Policy Board

AGENCY: Federal Bureau of Investigation (FBI), Justice.

ACTION: Meeting Notice.

SUMMARY: The purpose of this notice is to announce the meeting of the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Advisory Policy Board (APB). The CJIS APB is a federal advisory committee established pursuant to the Federal Advisory Committee Act (FACA). This meeting announcement is being published as required by Section 10 of the FACA.

The FBI CJIS APB is responsible for reviewing policy issues and appropriate technical and operational issues related to the programs administered by the FBI's CJIS Division, and thereafter, making appropriate recommendations to the FBI Director. The programs administered by the CJIS Division are the Integrated Automated Fingerprint Identification System/Next Generation Identification, Interstate Identification Index, Law Enforcement Online, National Crime Information Center, National Instant Criminal Background Check System, National Incident-Based Reporting System, National Data Exchange, and Uniform Crime Reporting.

This meeting is open to the public. All attendees will be required to sign-in at the meeting registration desk. Registrations will be accepted on a space available basis. Interested persons whose registrations have been accepted may be permitted to participate in the discussions at the discretion of the meeting chairman and with approval of the Designated Federal Officer (DFO). Any member of the public may file a written statement with the Board. Written comments shall be focused on the APB's current issues under discussion and may not be repetitive of previously submitted written statements. Written comments should be provided to Mr. R. Scott Trent, DFO, at least seven (7) days in advance of the meeting so that the comments may be made available to the APB for their consideration prior to the meeting.

Anyone requiring special accommodations should notify Mr. Trent at least seven (7) days in advance of the meeting.

Dates and Times: The APB will meet in open session from 8:30 a.m. until 5 p.m., on June 4–5, 2014.

ADDRESSES: The meeting will take place at St. Louis Union Station Hotel, 1820 Market Street, St. Louis, Missouri 63103, telephone (314) 621–5262.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Ms. Jillana L. Plybon; Management and Program Assistant; CJIS Training and Advisory Process Unit, Resources Management Section; FBI CJIS Division, Module C2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306–0149; telephone (304) 625–5424, facsimile (304) 625–5090.

Dated: February 26, 2014.

R. Scott Trent,

CJIS Designated Federal Officer, Criminal Justice Information Services Division, Federal Bureau of Investigation.

[FR Doc. 2014–09115 Filed 4–21–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Ethylene Oxide Standard

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Ethylene Oxide Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the

Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 22, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201403-1218-008* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the information collections contained in the Ethylene Oxide Standard codified in regulations 29 CFR 1910.1047. Information collections covered by this ICR include provisions for the development, maintenance, and disclosure of an employer's records that document (1) employee exposure to Ethylene Oxide, (2) employee notification of monitoring results, (3) a compliance program, (4) employee respiratory protections, (5) a written plan to address emergencies, (6) a medical surveillance plan, (7) training, and (8) the objective criteria used to claim an exemption from the standard. The Occupational Safety and Health Act authorizes this information collection. *See* 29 U.S.C. 655, 657.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0108.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on April 30, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 24, 2014 (79 FR 4178).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0108. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Ethylene Oxide Standard.

OMB Control Number: 1218–0108.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 3,155.

Total Estimated Number of Responses: 152,984.

Total Estimated Annual Time Burden: 35,051 hours.

Total Estimated Annual Other Costs Burden: $5,715,060.

Dated: April 16, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–09037 Filed 4–21–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0026]

Curtis-Straus LLC: Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the Occupational Safety and Health Administration's final decision granting the renewal of recognition of Curtis-Straus, LLC, as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

DATES: The renewal of recognition for Curtis-Straus, LLC, becomes effective on April 22, 2014.

FOR FURTHER INFORMATION CONTACT: David W. Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, phone (202) 693–2110, or email at *johnson.david.w@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

The Occupational Safety and Health Administration (OSHA or ''the Agency'') is giving notice that it is granting the renewal of recognition of Curtis-Straus, LLC (CSL), as a Nationally Recognized Testing Laboratory (NRTL). OSHA is taking this action following the requirements under its NRTL Program

regulations, 29 CFR 1910.7, and its procedures for NRTL application and renewal, Appendix A to 29 CFR 1910.7 (hereafter ''Appendix A'').

OSHA recognition of an NRTL signifies that the organization meets the legal requirements in the NRTL Program regulations. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition, and is not a delegation or grant of government authority. As a result of recognition, employers may use products in the workplace approved properly by the NRTL to meet OSHA standards that require testing and certification.

Appendix A.I.B describes the procedures that OSHA must use in deciding an NRTL's application for renewal of recognition. To approve such an application, the NRTL must meet all of the requirements for recognition in 29 CFR 1910.7. Appendix A.I.B lists the steps OSHA must follow in reviewing each renewal application, and provides the NRTL opportunities to correct or respond to any perceived failures to meet the specified requirements.

After following the process set forth in Appendix A.I.B, OSHA grants renewal of CSL's recognition as an NRTL. OSHA carefully reviewed CSL's original application for renewal, its revised application for renewal, and all related documents, including informal communications between CSL and OSHA, public comments received in response to OSHA's preliminary finding to deny renewal, and publicly available information concerning the ownership and organization of CSL. In this regard, OSHA preliminarily determined that CSL failed to satisfy one of the regulatory requirements for continued NRTL recognition—i.e., the requirement that NRTLs be ''completely independent of employers subject to the tested equipment requirements, and of any manufacturers or vendors of equipment or materials being tested for these purposes'' (29 CFR 1910.7(b)(3)).

However, under OSHA's independence policy, found in Appendix C to the NRTL Program Directive (OSHA Instruction CPL 01–00–003–CPL 1–0.3), even if an NRTL is not free of commercial, financial, and other pressures that could compromise the results of the testing and certification processes, it may still retain its recognition if it complies with conditions that OSHA may impose. CSL proposed several conditions, both before, and in response to, OSHA's preliminary finding, to address its ability to comply with the NRTL independence requirement. In this notice, OSHA accepts the conditions proposed by CSL, and also develops additional conditions, to resolve the issues surrounding CSL's independence. Therefore, OSHA grants renewal of CSL's NRTL recognition and imposes on CSL conditions with which CSL must comply to retain its NRTL recognition. OSHA sets forth its findings in this matter in greater detail below under Section III (''Discussion of CSL's Independence'') and Section IV (''Summary and Analysis of Additional Comments'').

Docket No. OSHA–2009–0026 contains all public materials in the record concerning OSHA's preliminary decision to deny NRTL recognition to CSL. The public may obtain or review copies of these documents by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Documents in the record also are available electronically at *www.regulations.gov.*

II. Background

A. The NRTL Program and the NRTL Renewal Process

Many of OSHA's safety standards require employers to use products tested and certified as safe (see, e.g., 29 CFR 1910, subpart S). In general, testing laboratories, and not employers, perform the required testing and certification. To ensure that the testing and certification performed on products is appropriate, OSHA implemented the NRTL Program. The NRTL Program establishes the criteria that a testing laboratory must meet to achieve, and retain, NRTL recognition.

OSHA recognition of an NRTL signifies that the organization meets the legal requirements specified in 29 CFR 1910.7, the regulatory provision containing the requirements an organization must meet to become an NRTL and retain NRTL status. Recognition is an acknowledgment by OSHA that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition, and is not a delegation or grant of government authority. Recognition under the NRTL Program, therefore, enables employers to use products approved by NRTLs to meet OSHA standards that require product testing and certification. OSHA maintains an informational Web site for each NRTL that details its scope of recognition. These pages are available on OSHA's Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

Under OSHA's procedures for NRTL recognition, a prospective NRTL must submit an application for recognition under the NRTL Program (Appendix A.I.A). Once granted, OSHA's recognition of an NRTL is valid for five years unless OSHA terminates the NRTL's recognition before the end of the five-year period (Appendix A.I.B.7). To renew its recognition, an NRTL must file a renewal request with OSHA not less than nine months, or more than one year, before the expiration date of its current recognition (Appendix A.II.C.1). An NRTL seeking renewal may file, with its renewal request, any additional information the NRTL believes will demonstrate its continued compliance with the terms of its recognition and 29 CFR 1910.7 (Appendix A.II.C.2). Per OSHA practice, if OSHA did not conduct an on-site assessment of the NRTL headquarters and any key sites within the past 18 to 24 months, OSHA will schedule the necessary on-site assessments prior to the expiration date of the NRTL's recognition.

Appendix A sets forth the procedures for renewal. These procedures provide NRTLs with several opportunities to present information to the Agency to justify their continued recognition under the NRTL Program.

Pursuant to Appendix A, after an NRTL applies for renewal, OSHA staff makes a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) as to whether the NRTL continues to meet the NRTL Program requirements set forth in 29 CFR 1910.7 (Appendix A.I.B.2). If the staff reaches a negative finding, OSHA notifies the applicant, in writing, of this finding and allows a reasonable period for a response (Appendix A.I.B.3.a). In providing this response, the applicant may either: (1) Submit a revised application for further review by OSHA staff; or (2) request that the staff forward the original application, along with a statement provided by the applicant of reasons supporting the application, to the Assistant Secretary to determine whether the renewal application warrants approval (Appendix A.I.B.3.b.(i)). An NRTL notified of a negative finding may submit a revised application for further review by OSHA staff only once during each recognition process (Appendix A.I.B.3.b(ii)).

After OSHA staff provides its recommendation, the Assistant Secretary makes a preliminary finding as to whether the applicant meets the requirements for renewal of recognition (Appendix A.I.B.4.a). OSHA then

notifies the applicant of the preliminary finding, and also publishes a notice of the preliminary finding in the **Federal Register** (Appendix A.I.B.4.b). This notice provides the public an opportunity to comment on the applicant's ability to meet the recognition requirements (Appendix A.I.B.5). If OSHA receives a comment objecting to the preliminary finding, OSHA may, at the discretion of the Assistant Secretary, initiate a special review of any information provided in the record that requires resolution. During the special review, OSHA supplements the record either by seeking additional public comment or convening an informal hearing (Appendix A.I.B.7). At the conclusion of the process (either after the public-comment period closes or at the conclusion of the discretionary special review, if conducted), the Assistant Secretary renders a final decision, based on a preponderance of the evidence, as to whether the NRTL seeking renewal continues to meet the requirements for recognition (Appendix A.I.B.7.c).

If an NRTL files a timely and sufficient renewal request, the current recognition of an NRTL does not expire until the Assistant Secretary renders a final decision (Appendix A.I.C.2.c). If the Assistant Secretary grants the NRTL's application for renewal, the NRTL's recognition is valid for five years unless terminated before the expiration of the period (Appendix A.I.B.7).

B. The NRTL Independence Requirement

OSHA requires that NRTLs and applicants be ''completely independent of employers subject to [OSHA's] tested equipment requirements, and of any manufacturers or vendors of equipment or materials being tested for these purposes'' (see 29 CFR 1910.7(b)(3)). This independence requirement is fundamental to the third-party testing and certification system, as the requirement ensures that the organizations testing and certifying specified products as safe have no affiliation with the manufacturers or vendors of the products, or with employers that use the equipment or products in the workplace.

OSHA's NRTL Program Directive specifies the approach for judging an NRTL's or applicant's compliance with the Agency's independence requirement under 29 CFR 1910.7. The policy recognizes that certain relationships between an NRTL and any manufacturer of products that require NRTL certification can affect the objectivity and impartiality of an NRTL's testing and certification procedures.

The policy provides that, to meet the independence requirement, NRTLs and applicants ''must be free from commercial, financial and other pressures that could compromise the results of its testing and certification processes'' (see *NRTL Program Policies, Procedures, and Guidelines—CPL 01–00–003—CPL 1–0.3* (hereafter, ''NRTL Program Directive''), Appendix C.V). Pursuant to this policy, OSHA presumes that these pressures exist if there is a substantial relationship between the NRTL or applicant and a manufacturer, vendor, or major user ''of products that must be certified which could compromise objectivity and impartiality in determining the results of its testing and certification processes'' (*id.*). The term ''substantial'' for purposes of the policy, means that the relationship is ''of such a nature and extent as to exert undue influence on the testing and certification processes'' (*id.*). The factors that signify that an NRTL or applicant has an impermissible ''substantial relationship'' include, but are not limited to, the following: (1) The NRTL or applicant is ''organizationally affiliated'' with a manufacturer, vendor, or major user ''of products that an NRTL must certify''; (2) the NRTL or applicant ''is owned in excess of two percent (2%) by a [manufacturer or vendor] or major user, or their major owners''; (3) the NRTL or applicant ''receives significant financing from a [manufacturer or vendor] or major user, or their major owners''; or (4) a ''person holding a substantial position with the NRTL [or applicant] has a significant financial interest in a [manufacturer, vendor,] or major user, or is a director or key personnel of either'' (*id.*).

OSHA cannot perform in-depth analyses of an NRTL's or applicant's ownership or financial relationship and interests. Therefore, pursuant to the policy, an NRTL or applicant can rebut the presumption that pressures exist by ''present[ing] clear and convincing evidence'' that it is independent, and that any relationship with a manufacturer or employer involves no, or only minor, pressures (*id.*).

Finally, pursuant to this policy, OSHA may prescribe ''conditions'' on NRTLs or applicants for initial or continued recognition, even when the Agency determines that pressures exist (*id.*). Such conditions ''must be consistent with th[e] policy'' (*id.*). The independence policy provides examples of options OSHA may consider when imposing conditions: (1) Restricting the suppliers for whom the NRTL or applicant may test and certify products; or (2) restricting the type of products the NRTL or applicant may test and certify (*id.*).

Whether imposing conditions on an NRTL or applicant is appropriate is a judgment made by the Agency on a case-by-case basis. As OSHA stated in an earlier **Federal Register** notice, in analyzing these situations, OSHA must examine carefully: The ownership situation; the types of products at issue; the scope and magnitude of the NRTL's or applicant's operations; the scope and magnitude of the operations of the manufacturers that are making, and the employers that are using, the products; and other factors (see 72 FR 24619, May 3, 2007). OSHA also must consider the degree to which it can monitor the NRTL or applicant's compliance with any imposed conditions, which is a particularly important factor (*id.*).

OSHA audits NRTLs regularly to ensure they continue to meet the NRTL requirements, including the independence requirement, and to maintain the quality of their testing and certification operations. If imposing conditions on an NRTL or applicant would be difficult or impossible for OSHA to audit effectively, then imposing such conditions on the NRTL or applicant would not be appropriate.

C. Wendel's Pressures on CSL

In May of 2005, Bureau Veritas Consumer Products Services, Inc. (BVCPS), acquired CSL (OSHA–2009–0026–0014).[1] At the time, Bureau Veritas Holdings, Inc. (BVH), owned BVCPS; Bureau Veritas SA (BVSA) owned BVH; and Wendel Investissement (Wendel) owned BVSA (*id.*) Wendel describes itself as a ''hands-on investor'' that ''invest[s] for the long term as the majority or leading shareholder in listed or unlisted companies, taking the lead in order to accelerate their growth and development'' (OSHA–2009–0026–0028).

As of September 2012, Wendel continued to be the largest shareholder of BVSA, owning approximately 51 percent (OSHA–2009–0026–0038), and BVSA's 2011 annual report showed that it wholly owns CSL (OSHA–2009–0026–0037).[2] Wendel also owned approximately six percent of Legrand, a manufacturer of electrical products based in France (OSHA–2009–0026–0038). Legrand has world-wide operations in the U.S., many European countries, Canada, Mexico, various

[1] Citations to the record take the following format: ''(OSHA–2009–0026–00XX).''

[2] OSHA understands that BVSA's ownership of CSL occurs through several intermediate, wholly owned, subsidiaries of BVSA.

South American countries, and China, as well as other parts of Asia (OSHA–2009–0026–0027). Wendel also owns additional manufacturers, vendors, or users of products, some of which require NRTL certification prior to use in the workplace (OSHA–2009–0026–0038). As Wendel is an investment company, it may acquire additional companies that manufacture, sell, or use products that require NRTL testing and certification.

D. CSL's Application for Renewal and OSHA's Preliminary Finding

CSL applied to OSHA for its initial recognition in February 1998, when it was a limited liability company chartered in the Commonwealth of Massachusetts. After processing the application, including performing the necessary on-site assessments, OSHA announced its preliminary finding on the application in a notice published in the **Federal Register** on December 13, 1999 (64 FR 69552). Following the requisite comment period, OSHA issued a notice in the **Federal Register** on May 8, 2000, announcing its final decision to recognize CSL as an NRTL for a five-year period ending on May 9, 2005 (65 FR 26637).

CSL filed a timely application for renewal of its recognition as an NRTL, on June 4, 2004 (OSHA–2009–0026–0012). The address of the testing facility (site) that OSHA recognizes for CSL, and the address submitted by CSL for renewal, is: Curtis-Straus LLC., One Distribution Center Circle, Suite #1, Littleton, Massachusetts 01460.

On April 27, 2007, OSHA informed CSL by letter that CSL appeared not to meet the policy on independence specified in the NRTL Program Directive due to BVSA's acquisition of CSL (OSHA–2009–0026–0013). OSHA asked CSL to provide clear and convincing evidence that pressures did not exist as a result of its organizational affiliation with Legrand (*id.*).

In submissions to OSHA dated August 27, 2007, and January 31, 2008, CSL asserted that it would rebut the presumption of pressures (OSHA–2009–0026–0014; OSHA–2009–0026–0015). First, CSL described the ''longstanding integrity'' of BVSA and CSL. Second, CSL claimed an attenuated relationship existed between CSL and Legrand. Third, CSL argued that a Compliance Committee implemented by CSL, as well as the objectivity of CSL's testing program, would mitigate any undue influence. Fourth, CSL argued that ''firewalls'' existed to assure the independence of CSL's testing and certification processes.[3] Fifth, CSL asserted that the presence of common executives and board members between Legrand, Wendel, and BVSA did not compromise the integrity of CSL's testing and certification because there was ''no reason to believe that [the board members] would seek to cause a complex international conspiracy to compromise CSL.''

OSHA responded to CSL's assertions on August 14, 2008, and reiterated the following concerns it had about CSL's independence: (1) The substantial relationship that arose from Wendel's common ownership of both Legrand, a manufacturer, and CSL, an NRTL; (2) the common executives and board members shared between BVSA, CSL, Wendel, and Legrand; (3) how CSL would monitor Wendel's future acquisitions; (4) how CSL would warrant to OSHA that it would not test or certify either Legrand's or its competitor's products; (5) how CSL would comply with the requirements of the International Federation of Inspection Agencies (IFIA)[4] specifying that auditors be independent of the testing organization; and (6) how CSL would ensure the personnel performing the audits have the necessary qualifications (see OSHA–2009–0026–0016).

On February 20, 2009, CSL described its efforts to: (1) Monitor Wendel's acquisitions; (2) perform enhanced certification procedures on products manufactured by subsidiaries and other companies organizationally affiliated with Wendel; and (3) use both external and internal audits to ensure that CSL maintains its independence (OSHA–2009–0026–0017). CSL asserted that it would accomplish these efforts through: (1) Extensive procedures it has in place to identify public Wendel subsidiaries; (2) its conflict-management procedures that require additional witnessing and review of test data on products produced by Wendel subsidiaries; (3) audits by internal compliance officers; (4) and IFIA membership. CSL also informed OSHA that it was changing its executive leadership and augmenting its board of directors with additional independent directors to dilute the potential for undue influence on the board. However, the mutual board members shared between BVSA, Legrand, and Wendel would remain on their respective boards.

OSHA fully considered CSL's efforts to rebut the presumption of undue influence. On January 19, 2010, the Agency made a negative finding of renewal (OSHA–2009–0026–0018). OSHA based its decision, in part, on concerns that OSHA would not be able to effectively monitor CSL's monitoring, certification, and auditing efforts because of the extent and complexity of Wendel and Legrand's operations. OSHA stated that it does not have the resources or expertise to monitor all of Wendel's and Legrand's current or future acquisitions, products, and operations.

In response to the negative finding of renewal, CSL submitted a revised application for renewal on October 18, 2010 (OSHA–2009–0026–0019). The revised application reiterated CSL's commitment to objective testing, the procedures of the CSL Compliance Committee, and requirements of the external audits. CSL also proposed a temporary limitation in which CSL would limit its testing and certification to existing clients and products. Moreover, on August 1, 2011, CSL notified OSHA that Wendel reduced its ownership of Legrand from 32 to 11.1 percent (OSHA–2009–0026–0020).

After considering CSL's submissions, on October 11, 2011, OSHA issued a preliminary finding denying CSL's application for renewal (see OSHA–2009–0026–0002 (76 FR 62850)). Comments were due by November 10, 2011, which OSHA later extended to December 14, 2011 (see OSHA–2009–0026–0004 (76 FR 73686, Nov. 29, 2011)). OSHA's preliminary finding explained in detail the Agency's reasons why CSL did not meet the requirements for continued recognition.

OSHA received eight comments in response to its preliminary determination on CSL's application for renewal. OSHA addresses those comments below under Section III (''Discussion of CSL's Independence'') and Section IV (''Summary and Analysis of Additional Comments'').

III. Discussion of CSL's Independence

A. Introduction

In this **Federal Register** notice, OSHA finds that CSL meets the regulatory requirement that it be ''completely independent of employers subject to [OSHA's] tested equipment

[3] These ''firewalls'' were measures or factors that CSL claimed mitigate or prevent undue influence on its NRTL activities. CSL's firewalls included a separation of its board of directors from some of the other entities in the corporate organizational chart, use of independent auditors, and establishment of the Compliance Committee.

[4] The IFIA is a trade association that represents companies involved in international testing, inspection, and certification services. It requires members to adhere to a compliance code that includes independent auditing by IFIA for compliance with IFIA standards (see ''About Us'' IFIA, *http://www.ifia-federation.org/content/about-us*, accessed 5/11/2012).

requirements, and of any manufacturers or vendors of equipment or materials being tested for these purposes'' (see 29 CFR 1910.7(b)(3)). CSL is not ''free from commercial, financial and other pressures that could compromise the results of its testing and certification processes,'' nor did it rebut successfully the presumption that pressures exist by ''present[ing] clear and convincing evidence'' that it is independent, and that any relationship with a manufacturer or employer involves no, or only minor, pressures ((NRTL Program Directive, Appendix C.V). However, OSHA can prescribe conditions on CSL that are consistent with its independence policy (*id.*). CSL proposed several conditions, both before, and in response to, OSHA's preliminary finding, to address its ability to comply with the NRTL independence requirement. In this notice, OSHA accepts most of the conditions proposed by CSL, and also develops additional conditions, to resolve the issues surrounding CSL's independence. Therefore, OSHA is granting the renewal of CSL's NRTL recognition, and imposes on CSL conditions with which CSL must abide to retain its recognition.

B. Pressures on CSL

In its preliminary finding, OSHA found that CSL has a ''substantial relationship'' with Legrand because Wendel owned, at least in part, both CSL and Legrand. At the time OSHA made its preliminary finding, Wendel, through various intermediaries, owned approximately 58 percent of CSL and approximately 11 percent of Legrand. Legrand is a manufacturer of various products, many of which require NRTL testing and certification if used in the workplace. OSHA found that, under its NRTL independence policy, this relationship constitutes a ''substantial relationship,'' in which a major owner of a supplier of products requiring NRTL testing and certification has an ownership interest in excess of two percent in CSL, an NRTL. Because of this substantial relationship, OSHA presumed that pressures exist on CSL that could compromise the results of its testing and certification processes, and that CSL, therefore, is not independent.

In various letters submitted to OSHA prior to the Agency's preliminary finding, and in its comments to the preliminary finding, CSL explained why it believed it was not subject to pressures from Wendel or Legrand that could compromise the results of its testing and certification processes. The Agency carefully considered this information, and found that CSL did not adequately rebut the presumption of pressures.

In trying to rebut the presumption of pressures, CSL contended, prior to OSHA issuing the preliminary finding, that the ''relationship of Legrand or other Wendel holdings is highly attenuated'' (OSHA–2009–0026–0019) and, as such, this relationship does not result in undue influence on CSL. CSL argued that Wendel is a long-term investor that does not manage CSL's day-to-day operations. CSL also noted that Wendel does not exert control over CSL, therefore assuring CSL's independence from Wendel and Legrand.

As OSHA found in the preliminary finding, CSL's assertion that Wendel does not manage or exert control over CSL's day-to-day operations does not address the fundamental issue regarding the control that a parent company has over a majority-owned subsidiary. According to the United States Securities and Exchange Commission, the term ''control'' in this context means the ''possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise'' (see 17 CFR 230.405). The parent company of a majority-owned subsidiary, in this case CSL, has ultimate control over the subsidiary, even though the parent company may delegate some of that control to the subsidiary. A parent company can exert control by changing a subsidiary's policies and leadership, and even by selling the subsidiary. Therefore, OSHA found in the preliminary finding, that, because Wendel has the power to dictate and pressure CSL's actions, CSL does not have decisionmaking independence.

Further, although CSL claimed, prior to OSHA issuing the preliminary finding, an ''attenuated'' connection to Wendel, CSL did not provide any assurances that Wendel would refrain from exerting control over CSL, or from pressuring CSL through Bureau Veritas. To the contrary, OSHA found that Wendel has a corporate policy that encourages exerting control over Bureau Veritas and CSL. Wendel's Web site, accessed near the time OSHA issued its preliminary finding, stated that Wendel's ''policy is to be the key or controlling shareholder in its listed or unlisted investments on a long-term and hands-on basis. It expresses this commitment by actively participating in these companies' strategic decisions, based on the principle of direct, constructive and transparent give-and-take with their managers'' (*http://www.wendel-investissement.com/en/charte-de-lactionnaire—83.html*).[5] Furthermore, although CSL notified OSHA that Wendel reduced its percentage ownership of Legrand from 32 to 11.1 percent in 2011 (OSHA–2009–0026–0020), CSL did not provide any assurance that this reduction in ownership eliminated Wendel's control over CSL. Furthermore, Wendel could increase its ownership interest at any time. Therefore, OSHA found in the preliminary finding that, although it could impose a condition to limit such an increase in ownership, the fundamental issue of Wendel's control over CSL would remain.

CSL also claimed prior to OSHA issuing the preliminary findings that, because no member of its Board of Managers has ''significant ties'' to any of BVSA's parent companies, there is little opportunity for these companies to exert pressures on CSL (OSHA–2009–0026–0019). OSHA found, in the preliminary findings, that the current organizational relationship between CSL and Wendel via BVSA does not rebut the presumption of pressures. When Wendel first purchased CSL, BVSA and CSL shared two key executives (Mr. Frank Piedelievre, who was a member of BVSA's management board, as well as CSL's chairman, and Mr. Francois Tardan, who also was on BVSA's management board and is CSL's treasurer). At the time OSHA issued the preliminary finding, Wendel and BVSA shared one board member. According to the Web sites of Wendel and BVSA, accessed near the time OSHA issued its preliminary finding, Mr. Ernest-Antoine Seillière was the Chairman of Wendel's Supervisory Board, as well as a member of BVSA's Board of Directors (*http://www.bureauveritas.com/wps/wcm/connect/bv-com/Group/Home/Investors/Corporate—governance and http://www.wendel-investissement.com/en/members-32.html*).[6]

Furthermore, CSL asserted, prior to OSHA issuing the preliminary finding, that individuals affiliated with Wendel and Legrand are no longer members of its Board of Managers (OSHA–2009–0026–0017). However, OSHA found that, based on the information provided by CSL, several BVSA-affiliated members remained on CSL's board: Mr. John Beisheim was Vice President of Acquisitions and Risk Management at

[5] Web page no longer accessible. OSHA accessed this Web page prior to issuing its preliminary finding, and the Agency relied on it only for that purpose.

[6] The Web pages containing this information are no longer accessible. OSHA accessed these pages prior to issuing its preliminary finding, and the Agency relied on it only for that purpose.

BVCPS, and Mr. Oliver Butler was a Senior Vice President at BVCPS (OSHA–2009–0026–0017). BVCPS is a subsidiary of BVSA, which is a subsidiary of Wendel. OSHA found that this arrangement perpetuates a direct line of communication and pressure between Wendel and CSL by way of BVSA because BVSA controls BVCPS and senior officers at BVCPS control CSL. In summary, OSHA concluded that the modifications CSL made to its Board of Managers provided little organizational separation between CSL and Wendel and, therefore, did not adequately rebut the presumption of pressures.

In response to the preliminary finding, CSL notified OSHA that Wendel further reduced its ownership of Legrand from 11.1 to 5.8 percent (OSHA–2009–0026–0006). CSL also reiterated earlier assertions that the degree of Wendel's ownership of Legrand attenuated the relationship between Legrand, Wendel, and CSL (*id.*). Moreover, in June 2013, Wendel divested itself of Legrand (see Ex. OSHA–2009–0026–0053).

This divestment does not rebut the presumption of pressures associated with the substantial relationship between Wendel and CSL. First, it appears that the actual and potential control Wendel maintains of CSL still exists. As of September 2012, Mr. Ernest-Antoine Seillière, Chairman of Wendel's Supervisory Board, and Mr. Frédéric Lemoine, Chairman of Wendel's Executive Board, as well as two key Wendel executives (Mr. Stephane Bacquaert, Wendel Managing Director for Investment, and Mr. Jean-Michel Ropert, Wendel Chief Financial Officer), sat on the Board of BVSA (OSHA–2009–0026–0030; OSHA–2009–0026–0041; OSHA–2009–0026–0042; OSHA–2009–0026–0043). In addition, Mr. Lemoine was Vice Chairman of BVSA's Board (OSHA–2009–0026–0030; OSHA–2009–0026–0043). As OSHA stated in the preliminary finding, this arrangement perpetuates a direct line of communication and pressure between Wendel and CSL by way of BVSA (76 FR 62854, October 11, 2011).

Second, as OSHA stated in the preliminary finding, Wendel also had an ownership interest in Campagnie Deutsche, a ''manufacturer of industrial and automotive electrical connectors, some of which may require NRTL certification prior to use in the workplace'' (OSHA–2009–0026–0002). While Wendel also sold its interest in Campagnie Deutsche (OSHA–2009–0026–0038; OSHA–2009–0026–0044) as of September 2012, Wendel had a 17.1 percent ownership interest in Saint-Gobain, which manufactures, sells, or distributes products that would require NRTL approval if used in U.S. workplaces. In this regard, the company stated that it ''play[s] a significant role in renewable energy development, focusing on solar power solutions with a presence across the value chain—from component supply and photovoltaic module manufacturing to distribution—and in several markets, including photovoltaic panels and solar heating systems'' (OSHA–2009–0026–0045).

In addition, in July 2011, Wendel, through its subsidiary Oranje-Nassau Development (an international private-equity firm), acquired at least two other companies that manufacture and sell electrical equipment that likely require NRTL approval—Mecatherm and exceet Group SE (OSHA–2009–0026–0031; OSHA–2009–0026–0038). As of September 2012, Wendel had a 98.1 percent ownership interest in Mecatherm, a ''[l]eader in industrial bakery equipment'' that ''designs, assembles and installs automated production lines for bakery products throughout the world'' (OSHA–2009–0026–0047). Wendel had a 28.4 percent ownership interest in exceet Group SE as of December 31, 2012; exceet Group SE is a ''European market leader in embedded intelligent electronic systems'' that ''designs, develops and produces customized and essential components for blue chip clients, particularly in the fields of medical and healthcare, industrial automation, financial services, security, avionics and transportation,'' and has a ''portfolio rang[ing] from complex electronic modules and systems that are generally integrated in costly devices, smart-cards and chips, which are produced in small and medium quantities.'' (OSHA–2009–0026–0046). Mecatherm manufactures and sells electric ovens, coolers, and freezers for bakery-production lines, and exceet Group SE manufacturers and sells a number of different types of electric devices, including medical devices and control panels for electrical industrial equipment (OSHA–2009–0026–0048; OSHA–2009–0026–0049). Both of these companies sell their products in the United States (see OSHA–2009–0026–0046; OSHA–2009–0026–0047) and, if used in a U.S. workplace, the products would require NRTL approval. Thus, Wendel is a major owner of these companies, and OSHA believes Wendel could exert undue influence on CSL to certify products made, sold, or used by these companies or reject products made, sold, or used by these companies' competitors.

Moreover, CSL does not control Wendel, and OSHA would have no authority to impose a condition that would override Wendel's authority to become a major owner of other companies that are manufacturers, vendors, or major users of products that an NRTL must test and certify. That Wendel could become a major owner of other companies that are manufacturers, vendors, or major users of products that an NRTL must test and certify is a distinct and realistic possibility. Wendel is an investment company with the stated purpose to ''invest for the long term as the majority or leading shareholder in listed or unlisted companies, taking the lead in order to accelerate their growth and development'' (OSHA–2009–0026–0028). Therefore, Wendel's divestment of ownership in Legrand does not provide clear and convincing evidence to rebut the presumption of pressures that exist as a result of CSL's affiliation with Wendel.

Finally, OSHA notes that, in response to the preliminary finding, a member of the BVCPS board of directors claimed an ''absence of pressures by or through [the BVCPS] Board upon Curtis-Straus LLC (CSL) to certify any products under the scope of its NRTL recognition'' (OSHA–2009–0026–0007). In support of this claim, the board member asserted that ''while CSL and BVCPS share board members, there is no common board membership between either BVCPS or CSL and either BVSA, Wendel, or Legrand''; ''national and international certification schemes have been satisfied by CSL's ability to implement reasonable controls''; ''there are no NRTL certifications by CSL for Legrand, Legrand affiliates or any other entities owned by Wendel''; and Wendel ''reduce[d] its ownership stake in Legrand . . . to a mere 5.8%'' (*id.*).

OSHA rejects the commenter's claim primarily for the reasons stated in OSHA's preliminary finding. For the most part, the commenter restates arguments that OSHA rejected in its preliminary finding, but does not provide substantive evidence to rebut the presumption of pressures. OSHA addressed Wendel's divestment in Legrand above, and addresses CSL's ability to implement reasonable controls below. Accordingly, neither CSL nor the member of the BVCPS board of directors provided any additional information that would rebut the presumption of pressures.

C. Imposing Conditions on CSL Is Consistent With OSHA's Independence Policy

In its preliminary finding, OSHA determined that it cannot impose conditions on CSL that would assure its independence because, in large part, OSHA cannot reliably monitor the various CSL and Wendel ownership arrangements, and the affiliations Wendel has with its numerous subsidiaries. The Agency's policy on independence provides an approach to determining whether an organization meets the requirement for independence (76 FR 62855, October 11, 2011). Consistent with this policy, OSHA does not require its staff to analyze extensive and complex actual or potential business activities that could cause conflicts and pressures. Moreover, OSHA found that, when these activities are as extensive and complex as they are for the world-wide operations of Wendel, this information is far beyond OSHA's auditing capabilities under the NRTL Program. Therefore, OSHA concluded in the preliminary finding that it would be unreasonable for it to determine with its existing resources the extent to which Wendel-affiliated companies contribute to the sale and manufacture of products submitted to CSL for NRTL testing and certification (*id.*).

In response to this finding, CSL proposed hiring an outside contractor, at CSL's expense, to monitor all mergers and acquisitions of CSL's clients and ensure that none of these transactions involve a Wendel subsidiary or a Wendel-affiliated product. CSL determined that this condition, in concert with ''extensive safeguards'' proposed by CSL before OSHA issued its preliminary finding, would cure the ''matter of 'infeasibility' of monitoring [those] mergers and acquisitions'' (OSHA–2009–0026–0005).

OSHA finds this recent condition proposed by CSL, in concert with other conditions proposed by CSL and the additional conditions developed by OSHA, to be consistent with OSHA's independence policy. OSHA believes, with certain qualifications discussed below, that the use of a third party to examine the mergers and acquisitions associated with CSL's clients will allow OSHA to monitor Wendel's vast operations and ensure that none of CSL's transactions involve a Wendel subsidiary or a product manufactured by a Wendel subsidiary.[7]

In this respect, OSHA notes that Wendel could exert pressure on CSL to certify products containing components manufactured or sold by a Wendel subsidiary. While CSL stated, prior to OSHA issuing the preliminary finding, that ''[w]e are willing to not test or certify [such] products'' (OSHA–2009–0026–0017), OSHA believes the use of a third party to examine components used in CSL-certified products also will allow OSHA to ensure that none of CSL's transactions involve components or products manufactured by Wendel subsidiaries.

Moreover, OSHA had concerns that Wendel could exert undue influence on CSL to reject products made, sold, or used by the competitors of a Wendel subsidiary that makes, sells, or uses NRTL approved products. OSHA believes that the use of a third party to examine whether CSL's transactions involve products manufactured, sold, or distributed by the competitor of a Wendel subsidiary would alleviate this concern. OSHA notes that it will carefully monitor the effectiveness of this condition, and will reconsider this condition if it appears to be ineffective. OSHA also is imposing the following additional conditions on CSL:

Ethical constraints and firewalls. Prior to the preliminary finding made by OSHA, CSL informed OSHA of several self-imposed ethical constraints and firewalls that ensure that it does not succumb to any pressures resulting from the control Wendel could exert over CSL. For example, CSL asserted that, because it is an affiliate of BVSA, it is required to ''adhere to a compliance program that meets the standards of, and has been approved by,'' the International Federation of Inspection Agencies (''IFIA'') (OSHA–2009–0026–0014). CSL also has a policy of requiring its staff to remain objective and avoid conflicts of interest when conducting product testing (*id.*). For example, CSL has external auditing policies, and, according to CSL, its external auditors perform several functions, including: (1) Conducting annual reviews and risk-based audit sampling on whether CSL's corporate-compliance programs and internal-management systems meet the IFIA ethical standards; and (2) conducting investigations of ethics violations (*id.* and Exhibit F thereto). In another example, CSL indicated that it was establishing a Compliance Committee to, among other functions, ''provide oversight to make sure that no influence or pressure is exercised by any affiliate of Curtis-Straus on any employee of Curtis Straus'' (*id.*).

OSHA believes that the ethical constraints and firewalls CSL imposes on itself are vital to CSL maintaining complete independence as required by OSHA's NRTL Program regulations. Therefore, OSHA imposes on CSL, as a condition of its renewal, that CSL maintain the ethical constraints and firewalls described here, and all other ethical constraints and firewalls described by CSL in its submissions to OSHA in conjunction with its application for renewal. These submissions include the following exhibits in the docket: comment from Michael Buchholz, Curtis-Straus LLC, OSHA–2009–0026–0005; Ex. 4—CSL letter to OSHA, dated 8–27–2007, OSHA–2009–0026–0014; Ex. 5—CSL letter to OSHA, dated 1–31–2008, OSHA–2009–0026–0015; Ex. 7—CSL letter to OSHA, dated 2–20–2009, OSHA–2009–0026–0017; and Ex. 9—CSL Revised Renewal Application, dated 10–18–2010, OSHA–2009–0026–0019.

Composition of boards. As stated above, a member of the BVCPS board of directors asserted that ''while CSL and BVCPS share board members, there is no common board membership between either BVCPS or CSL and either BVSA, Wendel, or Legrand'' (OSHA–2009–0026–0007). OSHA agrees with the BVCPS board member that restricting access to the boards of BVCPS and CSL will help minimize the risk of undue influence by Wendel. Therefore, OSHA imposes on CSL, as a condition of its renewal, that neither CSL nor BVCPS share any common board members with Wendel, BVSA, or any other Wendel subsidiary.

OSHA believes that the proposed conditions, in combination with the additional conditions developed by OSHA, are consistent with OSHA's independence policy. The additional conditions provide for a third-party monitor to evaluate CSL and Wendel transactions and submit to OSHA reports of any findings that result from the monitor's activities, thereby ensuring that OSHA has adequate oversight of these transactions. Therefore, OSHA finds that, even though CSL is still not free of the commercial, financial, and other pressures that could compromise the results of its NRTL testing and certification processes, CSL may still retain its recognition if it complies with the conditions specified herein.

D. OSHA's Position on Conditions Imposed on NRTLs

Prior to the preliminary finding made by OSHA, CSL argued that OSHA imposed conditions in the cases of Intertek Testing Services NA, Inc. (Intertek), National Technical Systems,

[7] While this discussion refers to Wendel, it pertains to any organization that may develop a subsequent ownership interest in CSL.

Inc. (NTS), and Wyle Laboratories, Inc. (Wyle), and that these cases indicate that OSHA also should impose conditions in CSL's case (OSHA–2009–0026–0019). OSHA rejected these arguments in the preliminary finding, but now is reconsidering this decision.

In the Intertek case, Intertek's parent acquired, and merged into Intertek's overall laboratory operations, a small manufacturer of laboratory test equipment, Compliance Design. Consequently, Intertek lost its independence because its parent company owned a manufacturer of equipment that needed NRTL approval. OSHA, however, imposed a condition on Intertek's recognition that effectively eliminated the pressures associated with Intertek's relationship with Compliance Design (*66 FR 29178, May 29, 2001*). This condition included a ''no-testing'' policy for Compliance Design, and for any other manufacturer affiliated with Intertek. Although OSHA received no information showing that Intertek or its parent owned any other manufacturing interest, the Agency imposed the broader condition as a precaution. OSHA found that it could impose this condition because, unlike CSL's situation, Compliance Design was a small company that produced just one type of product; therefore, OSHA found that Intertek could enforce the no-testing policy. Consequently, OSHA found that it had the resources to monitor effectively Intertek's compliance with the independence policy because of Compliance Design's limited operations. OSHA found in the preliminary finding that CSL's situation is much different than Intertek's because Wendel's and Legrand's operations involve multiple products manufactured and sold by numerous and variable subsidiaries, making it difficult for OSHA to impose conditions on CSL's recognition that would mitigate all of the pressures, and that OSHA could monitor reasonably and effectively.

OSHA also imposed a condition on *Wyle (59 FR 37509)*. When OSHA granted Wyle NRTL recognition, Wyle was part of an organization with a division that manufactured and distributed electronic-enclosure cabinets. As with Intertek, the condition imposed on Wyle required that Wyle not test or certify any equipment that used electronic enclosures manufactured by this division. In its preliminary finding, OSHA found that, unlike CSL's situation, this condition was easy for Wyle and OSHA to monitor because the only product at issue was electronic-enclosure cabinets.

Lastly, OSHA imposed conditions on NTS (*63 FR 68306, December 10, 1998*). NTS was a public company that ''could conceivably perform the design and engineering services . . . for manufacturers or vendors of the products covered within the scope of the test standards for which OSHA has recognized NTS'' (*63 FR 68306, December 10, 1998*). Because NTS is a public company, OSHA had a concern that manufacturers or vendors could acquire ownership of NTS. Accordingly, OSHA imposed a condition on NTS that restricted it from testing and certifying products for a client to which it sells design, or similar, services. OSHA also required NTS to provide OSHA an opportunity to review NTS's NRTL Quality Manual, Quality Assurance Procedures, and other procedures within 30 days of certifying its first products under the NRTL Program (*63 FR 68306, 68309, December 10, 1998*). OSHA imposed these conditions only as a preemptive measure because, unlike the CSL case, there was no evidence in the record that any manufacturers or vendors owned NTS, or that NTS was providing design and engineering services to manufacturers or vendors. In the preliminary finding, OSHA determined that, in the case of CSL, Wendel's ownership of a manufacturer and the potential for indirect affiliation with numerous other manufacturers and vendors that were beyond OSHA's capability to track results in a presumption of pressure that violates the NRTL independence policy.

As stated above, OSHA now imposes on CSL, as a condition of its renewal, that CSL hire an outside contractor, at its expense, to (1) monitor all mergers and acquisitions of CSL's clients; (2) ensure that none of CSL's transactions involve Wendel, a Wendel subsidiary, or a product or component made by such a subsidiary; and (3) ensure that products that fail to attain NRTL certification from CSL, or components of such products, are not made, sold, or used by competitors of Wendel or Wendel subsidiaries. The combination of CSL's proposed conditions renders CSL's case similar to that of Intertek, NTS, and Wyle. As noted earlier, OSHA believes that the use of a third party to examine the mergers and acquisitions involving CSL's clients will allow OSHA to monitor Wendel's vast operations and ensure that CSL maintains its independence.

In its comments to the preliminary finding made by OSHA, CSL also asserted that OSHA should apply the same conditions to CSL as OSHA applied to TUV Rheinland PTL, LLC (TUVPTL), in a **Federal Register** notice (76 FR 16452) dated March 23, 2011 [8] (see the list of questions from CSL attached to OSHA–2009–0026–0021). Arizona Technology Enterprises (AzTE), a company that acts as an agent to license technologies and that takes an equity stake in the companies that commercialize them, is a partial owner of TUVPTL (76 FR at 16453–54).[9] However, OSHA found little potential, and no actual, pressures associated with AzTE's ownership of TUVPTL (*id.*). As OSHA stated in TUVPTL's final notice of recognition, the vast majority of AzTE's technologies do not involve the types of products for which OSHA requires NRTL approval (*id.* at 16454). In fact, only one of its licensed technologies may require NRTL approval, and the company to which AzTE licensed that technology apparently was not manufacturing any products at the time of OSHA's recognition of TUVPTL. Therefore, at the time OSHA issued its final decision on TUVPTL's application, there was no violation of OSHA's independence policy because a major owner of a manufacturer, vendor, or major user of products requiring NRTL approval, or their major owners, did not have an ownership interest in TUVPTL in excess of two percent (NRTL Program Directive, Appendix C.V).

Nevertheless, OSHA believed it was appropriate to impose conditions on TUVPTL's recognition ''[t]o address future business ventures by AzTE'' and to ''avoid any situation that could conflict with OSHA's NRTL independence requirement'' (76 FR at 16454, March 23, 2011). Accordingly, OSHA requires AzTE to annually report the companies in which it has an ownership interest, as well as a description of each of the company's business purposes (*id.* at 16455). OSHA also requires that TUVPTL not test or certify any product manufactured, distributed, or sold by a company owned in excess of 2 percent by AzTE,

[8] CSL also asked why its ownership and management were more complex than that of Underwriters Laboratories, Inc. (UL), and SGS U.S. Testing Company, Inc. (SGS) (see the list of questions from CSL attached to OSHA–2009–0026–0021). CSL asked further ''what concerns for independence were raised by OSHA with regard to UL's acquisition of Springboard Engineering, a company offering engineering advisory services to improve product reliability.'' However, OSHA did not impose conditions related to independence on either UL or SGS, and CSL did not provide a cogent explanation of the relevance of its situation to that of UL and SGS.

[9] While AzTE is only one of the owners of TUVPTL, OSHA found that the remaining equity stakes of AzTE did not provide any potential independence conflicts, and, thus, presented no potential sources of undue influence on TUVPTL (76 FR at 16453–54).

and that TUVPTL cease certifications related to the NRTL Program if (1) AzTE has more than a 10 percent ownership interest in a company; (2) OSHA determines that such a company or one of its subsidiaries, affiliates, or significant owners, either makes, distributes, or sells a type of product for which OSHA requires NRTL approval (i.e., one currently shown in OSHA's Web page titled ''Type of Products Requiring NRTL Approval''); and (3) OSHA determines that the risk of actual or potential undue influence resulting from this ownership is not minor (*id.*). Finally, OSHA requires the implementation of various conditions to allow OSHA to monitor TUVPTL's independence (*id.*).

While TUVPTL's situation differs from that of CSL, OSHA finds that it can impose conditions on CSL for reasons similar to the reasons that it used to justify imposing conditions on TUVPTL. Specifically, the conditions OSHA imposes on CSL (described more fully below in Section V, ''Final Decision,'' below) will help identify and prevent transactions that may involve a current or future product of one of Wendel's subsidiaries.

Finally, OSHA finds CSL's situation to be different than that of Electrical Reliability Services, Inc. (formerly Electro-Test, Inc. (ETI)), in which OSHA denied ETI's application for renewal of its NRTL recognition (73 FR 35415–01, June 23, 2008). When applying to renew its NRTL recognition, ETI had a substantial relationship with its owner, Emerson Electric Company, and, therefore, OSHA presumed that pressures existed that could compromise the results of ETI's testing and certification processes (ETI Preliminary Finding, 72 FR 24617–01, 24620, May 3, 2007). OSHA found that ETI did not sustain its burden of rebutting the presumption of pressures, despite ETI's established policy that it would not knowingly perform NRTL testing, evaluation, or certification work for Emerson-owned companies, because, in relevant part: (1) ETI's policy did not address the direct ownership relationship that existed between ETI and Emerson and the control that Emerson could assert over ETI's operations; (2) ETI's corporate no-testing policy appeared to address only final products manufactured by Emerson, and not component parts; (3) Emerson's operations and product lines were so vast that OSHA seriously doubted ETI's ability to effectively enforce its own policy; (4) it would be virtually impossible for OSHA to monitor ETI's corporate no-testing policy; and (5) OSHA's did not have the resources to audit ETI's independence because Emerson's operations were in constant flux, and because Emerson was continually buying and selling new companies (*id.* at 24620–22). In summary, OSHA found that it could not impose conditions on ETI's recognition because the scope of products that Emerson produced was enormous, and OSHA did not have the resources to monitor the various ownership relationships and affiliations ETI had with Emerson's numerous subsidiaries (*id.* at 24622).

OSHA took these considerations into account in analyzing CSL's application for renewal, thereby assuring consistent application of conditions. However, in performing this analysis, OSHA found CSL's situation to be different than that of ETI because CSL proposed a condition, which OSHA accepted, that enables OSHA, with existing resources and auditing capabilities, to monitor Wendel and its subsidiaries.

Accordingly, OSHA's determination regarding the imposition of conditions on CSL's NRTL recognition is consistent with the Agency's previous actions. Although, CSL is not entirely free of the commercial, financial, and other pressures that could compromise the results of the NRTL testing and certification processes, OSHA finds that it is able to impose conditions that are consistent with the NRTL Program's independence policy and that will enable it to monitor and audit those conditions effectively.

IV. Summary and Analysis of Additional Comments

As noted above, OSHA received eight comments in response to its preliminary determination on CSL's application for renewal. When appropriate, OSHA addressed some of these comments in the preceding section. OSHA responds to the remaining comments in this section.

A. Validity and Application of the NRTL Independence Policy

CSL questioned the basis of the NRTL Program's independence policy and how OSHA applies that policy to existing NRTLs (see the list of questions from CSL attached to OSHA–2009–0026–0021).[10] CSL and one other commenter raised concerns about the potential economic impact associated with denying CSL's application for renewal (OSHA–2009–0026–0008; see the list of questions from CSL attached to OSHA–2009–0026–0021). Other commenters asked OSHA to consider every possible renewal condition within its scope of authority (OSHA–2009–0026–0008; OSHA–2009–0026–0009; OSHA–2009–0026–0010; OSHA–2009–0026–0011).

OSHA specifies its independence requirement in 29 CFR 1910.7, and this requirement is fundamental to the NRTL system of third-party testing and certification. Independence is, in many ways, the cornerstone of the NRTL Program, ensuring that those organizations that certify the safety of workplace products are not owned by, affiliated with, or subject to pressures by manufacturers or vendors of the products, or by employers that may use the products. OSHA imposed the independence requirement on NRTLs to ensure that such ownerships or affiliations do not compromise the NRTLs' testing and certification of these products in such a way as to render the products unsafe for use in the workplace. As explained above, OSHA's NRTL Program Directive specifies under 29 CFR 1910.7 an approach for judging an NRTL's or applicant's compliance with the Agency's independence requirement. The policy recognizes that certain relationships between an NRTL and any manufacturer, supplier, or user of products that require NRTL certification can affect the objectivity and impartiality of the NRTL's testing and certification procedures.

The independence policy extends to any parent, or ultimate parent, of an NRTL or NRTL applicant, and applies equally to all NRTLs and applicants. OSHA's policy is to review the independence of each organization when it applies to the NRTL Program, during routine audits of NRTL testing and certification facilities, and again when an existing NRTL applies to renew its recognition under the NRTL Program. For these reviews, OSHA takes into consideration the same organizational and management factors that it did for CSL. In the event OSHA identifies relationships that raise doubt about an NRTL's independence, OSHA will follow the same procedure as it did for CSL.

OSHA has a duty to American workers to ensure that NRTLs meet the independence requirement because

[10] Many of the other questions in CSL's list addressed oversight of OSHA's NRTL Program, OSHA's deliberative process, and other issues that go beyond the scope of this final determination (see the list of questions from CSL attached to OSHA–2009–0026–0021). Therefore, OSHA is not addressing these questions in this **Federal Register** notice. The remaining questions addressed issues such as the actual or potential pressure exerted by Wendel on CSL, whether it is appropriate for OSHA to impose conditions on CSL, and does OSHA apply its independence policy consistently (*id.*). OSHA addressed these issues in other sections of this notice.

failure to do so could compromise testing and, thereby, lead to the introduction of unsafe products in the workplace. The benefit to the American worker resulting from the integrity of the NRTL Program far outweighs any adverse effects that may result from denying an application for renewal because an NRTL does not meet the independence requirement. Employers may expose workers to serious hazards when they do not use a properly approved NRTL product as required by an OSHA standard. NRTL approval ensures that a product meets applicable test-standard requirements and will operate safely in the workplace. For example, NRTL approval ensures that an electric product will operate at its rated voltage, current, and power, and will not exceed specified limits and pose hazards to the workers who use the product. These hazards include electric shock, arc flash, blast events, electrocution, equipment shorts, explosions, burns, fires, and toxic atmospheres generated by burning and decomposing materials.

Because of the vital importance of the independence requirement to assuring the use of safe products in the workplace, the question of the potential economic impact associated with denying CSL's application was not a factor in OSHA's final determination in this matter. Accordingly, OSHA did not consider the economic-impact arguments made by commenters (OSHA–2009–0026–0008; see the list of questions from CSL attached to OSHA–2009–0026–0021).

In reviewing CSL's application for renewal, OSHA followed Agency policy and examined whether it could impose conditions on CSL's recognition that would be consistent with the NRTL Program independence policy. As described above, OSHA found that it could impose such conditions.

B. CSL's Proposal To Implement an Independent Board of Managers

CSL suggested, as an alternative to its third-party monitoring proposal, that it could eliminate pressures by ceding its certification authority to an independent board of managers, and that OSHA could appoint one of the members of this board (OSHA–2009–0026–0005). This alternative now is moot because OSHA is implementing instead CSL's third-party monitoring proposal as a condition of renewal. OSHA notes, however, that it would be inappropriate for its representative to sit on a CSL board of managers because of the ethical concerns that may arise under such an arrangement; in addition, this alternative would involve OSHA directly in a laboratory's certification process, which is contrary to the basic purpose of the NRTL Program.

C. CSL's Request for a Hearing

CSL requested that OSHA convene a special review and a hearing to address its application for renewal (OSHA–2009–0026–0005). Pursuant to Appendix A to 29 CFR 1910.7, if the public objects to OSHA's preliminary finding on an application for renewal of an NRTL's recognition, OSHA may, at the discretion of the Assistant Secretary, initiate a special review of any information provided in the public record that appears to require resolution. During the special review, OSHA supplements the record either by reopening the public comment period or convening an informal hearing (see Appendix A.I.B.7 of 29 CFR 1910.7). The Assistant Secretary hereby denies CSL's request to convene a special review and hearing. CSL's request now is moot because OSHA is granting CSL's application for renewal. Moreover, no information provided in the public record appears to require resolution.

V. Final Decision

Pursuant to the authority granted to it under 29 CFR 1910.7, OSHA hereby gives notice of the renewal of recognition of CSL as an NRTL. In making this determination, OSHA thoroughly reviewed CSL's request for renewal of recognition and all other pertinent information provided by CSL and other commenters. CSL made an acceptable proposal that satisfies the NRTL Program policies regarding independence found in Appendix C to the NRTL Program Policies, Procedures, and Guidelines Directive (OSHA Instruction CPL 01–00–003–CPL 1–0.3). OSHA accepted the conditions proposed by CSL and developed additional conditions to address issues surrounding CSL's independence. Based on OSHA's examination of comments made in response to the preliminary notice, it finds that CSL meets the requirements of 29 CFR 1910.7 for renewal of its recognition. This renewal is subject to the original terms of CSL's recognition (65 FR 26637, May 8, 2000) and its existing scope of recognition, as well as the conditions of renewal specified below. Failure to comply with these conditions may result in OSHA revoking, or imposing additional limits on, CSL's NRTL recognition.

Definitions

The following definitions apply specifically to CSL and the conditions of the renewal of recognition as an NRTL:

Affiliate of CSL—Wendel and any Wendel subsidiary.

Failure to attain NRTL certification—A product fails to attain NRTL certification when a product submitted by a client of CSL for testing and certification does not meet one or more test parameters or requirements, as defined in an appropriate NRTL Program test standard.

Wendel subsidiary—An entity is a Wendel subsidiary when either Wendel, or an entity below Wendel in the organizational chain between Wendel and CSL (e.g., BVSA or BVCPS), has a net ownership interest of more than two percent in that entity.[11]

Conditions of Renewal

1. Third-Party Monitoring

(a) A third-party monitor shall review CSL's independence.

(b) CSL shall bear full financial responsibility for the cost of services rendered by the third-party monitor.

(c) OSHA shall retain final approval over any third-party monitor chosen by CSL to conduct the monitoring.

(d) CSL must submit the name of the third-party monitor for the coming year (beginning January 1) to OSHA on or before October 1 of the prior year.[12]

(e) The third-party monitor shall monitor CSL's clients and each client's products that are subject to NRTL certification to determine, in a timely fashion, and with due diligence and all reasonable speed, whether:

(i) Wendel, or any Wendel subsidiary, manufactures, distributes, sells, or uses any products that CSL tests or certifies under the NRTL Program; and

(ii) Wendel, or any Wendel subsidiary, manufactures, distributes, sells, or uses any components in products that CSL tests or certifies under the NRTL Program;

(f) Should a product manufactured by a CSL client fail to attain NRTL certification from CSL, the third-party monitor also shall determine, in a timely fashion, and with due diligence and all reasonable speed, whether Wendel, or any Wendel subsidiary, manufactures, sells, distributes, or uses

[11] For example, an entity would be a Wendel subsidiary if Wendel owns 50 percent of an entity that owns 10 percent of that entity. Here, Wendel's net ownership interest in that entity would be 5 percent (i.e., 50 percent of a 10 percent ownership interest). On the other hand, an entity would NOT be a Wendel subsidiary if Wendel owns 50 percent of an entity that owns 2 percent of that entity. In this second example, Wendel's net ownership interest in that entity would be 1 percent (i.e., 50 percent of a 2 percent ownership interest).

[12] To cover the period following publication of this notice until January 1, 2015, CSL must submit the name of the third-party monitor to OSHA within 30 days following the date of publication of this notice.

a product that competes with the client's product or with a component in the client's product.

(g) The third-party monitor shall provide to OSHA a separate report 10 days after making an affirmative finding under Conditions 1(e)(i), 1(e)(ii), or 1(f); the report shall include the basis for making the affirmative finding: [13] [14]

(h) The third-party monitor shall also provide to OSHA, by December 31 of each year:

(i) An annual report listing each component contained in each product certified by CSL, including the manufacturer, distributor, and vendor of the component; and

(ii) An annual report listing the names of Wendel's directors, BVSA's directors, BVCPS's directors, and CSL's directors, and, for each named director, a listing of all other Wendel subsidiaries for which the named director is a member of the board of directors.

(i) In complying with Condition 1:

(i) The third-party monitor may rely exclusively on all information and documentation that the third-party monitor receives from CSL pursuant to the information-sharing and documentation-sharing requirements specified for CSL in Conditions 2(b)(i)(A), 2(b)(i)(B), and 2(d)(i), below.

(ii) The third-party monitor also may rely exclusively on the information and documentation that the third-party monitor receives from CSL pursuant to the information-sharing and documentation-sharing requirements specified for CSL in Condition 2(b)(i)(C) below to the extent that CSL provides a list of components in products requiring NRTL certification. The third-party monitor shall perform its own independent search for the manufacturers, distributors, and vendors of those components in accordance with Condition (1)(i)(iii) below.

(iii) The third-party monitor shall perform its own search for all other information and documentation required by Condition 1. In so doing, the third-party monitor:

(A) Must ensure that this search is independent of the other information and documentation it receives from CSL pursuant to the information-sharing and documentation-sharing requirements specified for CSL in Conditions 2 and 4, below; and

(B) May use the other information and documentation it receives from CSL pursuant to the information-sharing and documentation-sharing requirements specified for CSL in Conditions 2 and 4 below, but only in conjunction with the information and documentation the third-party monitor obtains in its own independent search.

(iv) The third-party monitor shall inform OSHA immediately of any information or documentation it obtains in its own independent search that is inconsistent with the information or documentation it receives from CSL pursuant to the information-sharing and documentation-sharing requirements specified for CSL in Conditions 2 and 4 below.

2. Information and Documentation Provided by CSL

(a) CSL shall cooperate fully in the efforts of the third-party monitor to perform the monitoring specified herein.

(b) On or before July 1 of each year, CSL shall provide OSHA and the third-party monitor with the following information and documentation:

(i) A list, in electronic format, of CSL's clients having product(s) requiring NRTL certification, and which includes, at a minimum:

(A) Each client's name and address;

(B) The name(s) and model number(s) of each product requiring NRTL certification; and

(C) Each component in each product requiring NRTL certification, including, to the extent CSL has knowledge, the manufacturer, distributor, and vendor of each component;

(ii) A list, to the extent it has knowledge, of Wendel subsidiaries, that contains the following information and documentation:

(A) For each Wendel subsidiary in the list, a statement indicating:

1. The net ownership interest that Wendel, and entities below Wendel in the organizational chain between Wendel and CSL (e.g., BVSA and BVCPS), have in that Wendel subsidiary;

2. An explanation of how CSL calculated net ownership; and

3. A description of that Wendel subsidiary's business purpose.

(B) To the extent it has knowledge, whether Wendel, or any Wendel subsidiary, manufactures, distributes, sells, or uses a type of product shown on OSHA's Web page at *http://www.osha.gov/dts/otpca/nrtl/prodcatg.html.*

(C) For each Wendel subsidiary in the list, the record(s) or document(s) that describe the net ownership interest that Wendel, and entities below Wendel in the organizational chain between Wendel and CSL (e.g., BVSA and BVCPS), have in that Wendel subsidiary.

Note to Condition 2(b)(ii)(C): CSL does not need to provide to OSHA, or to a third-party monitor, record(s) or document(s) it provided to OSHA and that third-party monitor in prior years (unless those documents have been updated or amended), but it must note in the list that it previously provided such record(s) or document(s) to OSHA and that third-party monitor. However, if the third-party monitor is new, then CSL must provide these records and documents to the new third-party monitor within 30 days of replacement (see Condition 2(g) below).

(iii) A list, to the extent it has knowledge, of CSL's client(s) which have product(s) requiring NRTL testing and certification, and are either Wendel itself or a Wendel subsidiary.

(iv) A list, to the extent it has knowledge, indicating those products for which Wendel, or any Wendel subsidiary, manufactures, distributes, sells, or uses a product that CSL tests or certifies under the NRTL Program; and

(v) A list, to the extent it has knowledge, indicating those products for which Wendel, or any Wendel subsidiary, manufactures, distributes, sells, or uses a component(s) in a product that CSL tests or certifies under the NRTL Program; included in this list shall be the component(s) that Wendel, or any Wendel subsidiary, manufactures, distributes, sells, or uses.

(c) CSL shall report to the third-party monitor and OSHA any product that fails to attain NRTL certification from CSL within 30 days of such an event; in so doing, CSL shall indicate, to the extent it has knowledge, whether Wendel, or any Wendel subsidiary, manufactures, sells, distributes, or uses a product that competes with the product that failed to attain NRTL certification, or that competes with a component in the product that failed to attain NRTL certification.

(d) CSL shall report to the third-party monitor and OSHA when it begins testing and certifying product(s) under the NRTL Program either for a new client, or an existing client for which it did not previously test and certify product(s) under the NRTL Program, within 30 days of beginning such testing and certifying; in so doing, CSL shall provide the third-party monitor and

[13] The basis shall include a statement indicating the net ownership interest that Wendel, and entities below Wendel in the organizational chain between Wendel and CSL (e.g., BVSA and BVCPS), have in the clients or Wendel subsidiaries that are the subjects of the affirmative finding, and an explanation of how the third-party monitor calculated net ownership.

[14] The third-party monitor shall send any of the information required or requested by OSHA to: Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by email to *NRTLProgram@dol.gov.*

OSHA with the following information and documentation:

(i) The new client's or existing client's name and address;

(ii) To the extent CSL has knowledge, whether the new client or existing client is either Wendel itself or a Wendel subsidiary.

(iii) If the new client or an existing client is a Wendel subsidiary:

(A) Information on the net ownership interest that Wendel, and entities below Wendel in the organizational chain between Wendel and CSL (e.g., BVSA and BVCPS), have in that Wendel subsidiary;

(B) An explanation of how CSL calculated net ownership;

(C) A description of that Wendel subsidiary's business purpose; and

(D) Record(s) and document(s) that describe the net ownership interest that Wendel, and entities below Wendel in the organizational chain between Wendel and CSL (e.g., BVSA and BVCPS), have in that Wendel subsidiary.

(e) CSL shall provide to OSHA and the third-party monitor corrected, completed, and updated information or documentation, within 30 days after it becomes aware that the information or documentation it provided to OSHA and the third-party monitor under Conditions 2 or 4 was, or has become, incorrect, incomplete, or outdated.

(f) CSL shall provide, in addition to the information and documentation required from CSL under Conditions 2 and 4, any information or documentation requested by either OSHA or the third-party monitor within 30 day of such a request, or an explanation as to why it cannot provide the requested information or documentation.

(g) If a new third-party monitor replaces the existing third-party monitor, CSL shall provide to the new third-party monitor, within 30 days of replacement, a copy of all information and documentation that CSL provided to the previous third-party monitor in accordance with Conditions 2 and 4.

(h) To comply with Conditions 2 and 4, CSL shall perform, and shall attest in its submissions to OSHA and the third-party monitor that it performed, an active and complete search, both within and outside CSL, for the information and documentation required by Conditions 2 and 4.

3. OSHA Determination

(a) After reviewing an affirmative finding of the third-party monitor (see Conditions 1(g) and (1)(i)(iv)), or any other information or documentation concerning CSL's independence, OSHA will make a determination about whether to amend CSL's scope of recognition (by, e.g., disallowing CSL from testing and certifying a product(s) that it could otherwise test and certify under its scope of recognition) or revoke CSL's recognition.

(b) In making a determination under Condition 3(a), OSHA will, among other factors, independently determine whether:

(i) Wendel, or a Wendel subsidiary, is a manufacturer, distributor, vendor, or major user of a product that CSL tests or certifies under the NRTL Program;

(ii) Wendel, or a Wendel subsidiary, is a manufacturer, distributor, vendor, or major user of a component in a product that CSL tests or certifies under the NRTL Program;

(iii) Wendel, or a Wendel subsidiary, manufactures, sells, distributes, or is a major user of, a product that competes with a product that failed to attain NRTL certification from CSL; and

(iv) Wendel, or a Wendel subsidiary, manufactures, sells, distributes, or is a major user of, a product that competes with a component in a product that failed to attain NRTL certification from CSL.

(c) If OSHA makes a determination under Condition 3(a) to amend CSL's scope of recognition, OSHA shall notify CSL of its determination and give CSL an opportunity to oppose the determination.[15] Accordingly, CSL may either:

(i) Accept OSHA's determination, in which case CSL shall abide by the determination; or

(ii) Oppose OSHA's determination, in which case CSL shall:

(A) Within 10 days of notification, inform OSHA in writing of its opposition to the determination; and

(B) Within an additional 30 days, provide OSHA with a written rebuttal to OSHA's determination.

(iii) OSHA shall notify CSL if CSL does not rebut OSHA's determination to OSHA's satisfaction, and, after notification, OSHA shall:

(A) Give CSL 10 days from receipt of notification to withdraw its opposition; and

(B) If CSL does not withdraw its opposition in the specified time, take appropriate action pursuant to the procedures in Appendix A to 29 CFR 1910.7.

[15] OSHA may make a determination under Condition 3(a) to revoke CSL's recognition outright, without undertaking the procedures described in following paragraphs (i) through (iii); in such a case, OSHA will take appropriate action pursuant to the procedures in Appendix A to 29 CFR 1910.7.

4. Ethical Constraints and Firewalls

(a) CSL shall maintain the ethical constraints and firewalls described in this notice, and all other ethical constraints and firewalls described by CSL in its submissions to OSHA in conjunction with its application for renewal.

(b) The submissions specified in Condition 4(a) include the following exhibits in the docket:

(i) Comment from Buchholz Michael, Curtis-Straus LLC, OSHA–2009–0026–0005.

(ii) *Ex. 4—CSL letter to OSHA, dated 8–27–2007*, OSHA–2009–0026–0014.

(iii) *Ex. 5—CSL letter to OSHA, dated 1–31–2008*, OSHA–2009–0026–0015.

(iv) *Ex. 7—CSL letter to OSHA, dated 2–20–2009*, OSHA–2009–0026–0017.

(v) *Ex. 9—CSL Revised Renewal Application, dated 10–18–2010*, OSHA–2009–0026–0019.

(c) Examples of the ethical constraints and firewalls with which CSL must comply include the following:

(i) CSL shall adhere to a compliance program and internal-management systems that meet the standards of, and are approved by, the International Federation of Inspection Agencies (IFIA), and Bureau Veritas shall maintain its membership in IFIA;

(ii) CSL shall maintain a policy requiring its staff to remain objective and avoid conflicts of interest when conducting product testing;

(iii) CSL shall maintain internal auditing policies and conduct such audits pursuant to those policies;

(iv) CSL shall maintain external auditing policies, and its external auditors shall perform several functions, including conducting annual reviews and risk-based audit sampling on whether CSL's corporate-compliance programs and internal-management systems meet the IFIA ethical standards, and conducting investigations of ethics violations; and

(v) CSL shall maintain a Compliance Committee of its Board, as described in its submissions (see, e.g., OSHA–2009–0026–0014), to, among other duties, provide oversight to ensure that no affiliate of CSL exercises undue influence or pressure on any employee of CSL, and that there are no undue pressures to compromise CSL's NRTL testing and certifications.

(d) Upon completion of any audit (internal or external) required under Condition 4, CSL shall submit the results of that audit, and any reports generated as a result of that audit, to the third-party monitor and to OSHA.

5. Composition of Boards

Neither CSL nor BVCPS shall share common board members with Wendel, BVSA, or any other Wendel subsidiary.

6. OSHA Notification

CSL shall inform OSHA's Office of Technical Programs and Coordination Activities as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and any major change in its operations as an NRTL, and provide details of these change(s).

VI. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to Section 8(g)(2) of 29 U.S.C. 651 et al., Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on April 16, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–09072 Filed 4–21–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0048]

NSF International: Request for Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces NSF International's (NSF) application for renewal of recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before May 7, 2014.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No. OSHA–2006–0048, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TTY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.–4:45 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2006–0048). OSHA will place all submissions, including any personal information provided, in the public docket without revision, and these submissions will be available online at *http://www.regulations.gov*.

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before May 7, 2014 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

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

General and technical information: Contact Mr. David W. Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; phone: (202) 693–2110, or email: *johnson.david.w@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

OSHA recognition of an NRTL signifies that the organization meets the requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products. OSHA maintains an informational Web site for each NRTL that details its scope of recognition available at *http://www.osha.gov/dts/otpca/nrtl/index.html*.

The Agency processes applications by an NRTL for renewal of recognition following requirements in Appendix A to 29 CFR 1910.7. OSHA conducts renewals in accordance with the procedures in 29 CFR 1910.7, App. II.C. In accordance with these procedures, NRTLs submit a renewal request to OSHA, not less than nine months, or no more than one year, before the expiration date of its current recognition. A renewal request includes a request for renewal and any additional information the NRTL may submit to demonstrate its continued compliance with the terms of its recognition and 29 CFR 1910.7. If OSHA did not conduct an on-site assessment of the NRTL's headquarters and key sites within the past 18 to 24 months, it will schedule the necessary on-site assessments prior to the expiration date of the NRTL's recognition. Upon review of the submitted material and, as necessary, the successful completion of the on-site assessment, OSHA announces its preliminary decision to grant or deny renewal in the **Federal Register** and solicits comments from the public. OSHA then publishes a final **Federal Register** notice responding to any

comments and renewing the NRTL's recognition for a period of five years, or denying the renewal of recognition.

NSF initially received OSHA recognition as an NRTL on December 10, 1998 (63 FR 68309). NSF's most recent renewal was on August 30, 2005, for a five-year period expiring on August 30, 2010. NSF submitted a timely request for renewal, dated November 16, 2009 (see Ex. OSHA–2006–0048–0010), and retains its recognition pending OSHA's final decision in this renewal process. The current address of the NSF facility recognized by OSHA and included as part of the renewal request is NSF International, 789 Dixboro Road, Ann Arbor, Michigan 48105.

II. Notice of Preliminary Findings

OSHA is providing notice that NSF is applying for renewal of its current recognition as a NRTL. This renewal covers NSF's existing NRTL scope of recognition. OSHA evaluated NSF's application for renewal and preliminarily determined that NSF can continue to meet the requirements prescribed by 29 CFR 1910.7 for recognition. Accordingly, OSHA is making a determination that it does not need to conduct an on-site review of NSF's facilities based on its evaluations of NSF's application and all other available information. This information includes OSHA's most recent audit of NSF's facilities conducted on January 29, 2014. The auditors found some non-conformances with the requirements of 29 CFR 1910.7. NSF addressed these issues sufficiently to meet the applicable NRTL requirements. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comment as to whether NSF meets the requirements of 29 CFR 1910.7 for renewal of its recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of the publicly available information in NSF's application and other pertinent documents (including exhibits), as well as all submitted comments, contact the Docket Office, Room N–2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address; these materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2006–0048.

OSHA staff will review all comments submitted to the docket in a timely manner and, after addressing the issues raised by these comments, will recommend whether to grant NSF's application for renewal. The Assistant Secretary will make the final decision on granting the application and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on April 16, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–09074 Filed 4–21–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0025]

Underwriters Laboratories Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of Underwriters Laboratories, Inc., for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7 and presents the Agency's preliminary finding to grant the application. Additionally, OSHA proposes incorporating two new test standards into the NRTL Program's list of appropriate test standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before May 7, 2014.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No. OSHA–2009–0025, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TTY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.–4:45 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2009–0025). OSHA will place all submissions, including any personal information provided, in the public docket without revision, and these submissions will be available online at *http://www.regulations.gov*.

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before May 7, 2014 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655,

Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

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

General and technical information: Contact Mr. David W. Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; phone: (202) 693–2110 or email: *johnson.david.w@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that Underwriters Laboratories, Inc. (UL) is applying for expansion of its current recognition as an NRTL. UL requests the addition of 21 test standards to its NRTL scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified in Title 29, Code of Federal Regulations, Section 1910.7 (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope of recognition. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes applications by an NRTL for initial recognition, and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL, including UL, which details the NRTL's scope of recognition. These pages are available from the OSHA Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

UL currently has 34 facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062. A complete list of UL's scope of recognition is available at *http://www.osha.gov/dts/otpca/nrtl/ul.html*.

II. General Background on the Application

UL submitted an application, dated March 26, 2013 (see Exhibit 1), to expand its recognition to include multiple additional test standards. The Office of Technical Programs and Coordination Activities (OTPCA) staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 below lists appropriate test standards found within UL's application for expansion for testing and certification of products under the NRTL Program. Two of these test standards, UL 66 and UL 8750, are new to the NRTL Program, and OSHA preliminarily determined that they are ''appropriate test standards'' within the meaning of 29 CFR 1910.7(c).

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN UL'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
ANSI/UL 2208	Solvent Distillation Units.
IEEE C37.20.7	IEEE Guide for Testing Metal-Enclosed Switchgear Rated Up to 38 kV for Internal Arcing Faults.
ANSI/UL 8750*	Light Emitting Diode (LED) Equipment for Use in Lighting Products.
ANSI/UL 448B	Residential Fire Pumps Intended for One- and Two-Family Dwellings and Manufactured Homes.
ANSI/UL 448C	Stationary, Rotary-Type, Positive-Displacement Pumps for Fire Protection Service.
ANSI/UL 62368–1	Audio/Video, Information and Communication Technology Equipment—Part 1: Safety Requirements.
ANSI/UL 50E	Enclosures for Electrical Equipment, Environmental Considerations.
ANSI/UL 61800–5–1	Adjustable Speed Electrical Power Drive Systems—Part 5–1: Safety Requirements—Electrical, Thermal and Energy.
ANSI/UL 66*	Fixture Wire.
ANSI/UL 2239	Hardware for the Support of Conduit, Tubing, and Cable.
ANSI/UL 62275	Cable Management Systems—Cable Ties for Electrical Installations.
ANSI/UL 60335–2–40	Household and Similar Electrical Appliances, Part 2: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers.
ANSI/UL 2560	Emergency Call Systems for Assisted Living and Independent Living Facilities.
ANSI/UL 2572	Mass Notification Systems.
ANSI/UL 2577	Suspended Ceiling Grid Low Voltage Systems and Equipment.
ANSI/UL 8752	Organic Light Emitting Diode (OLED) Panels.
ANSI/UL 60745–2–13	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–13: Particular Requirements For Chain Saws.
ANSI/UL 60745–2–15	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–15: Particular Requirements for Hedge Trimmers.
ANSI/UL 2586	Hose Nozzle Valves.
ANSI/UL 2238	Cable Assemblies and Fittings for Industrial Control and Signal Distribution.
UL 6142	Small Wind Turbine Systems.

* Test standards new to the NRTL Program.

III. Preliminary Findings on the Application

OSHA's preliminary findings:

1. UL submitted an acceptable application for expansion of its scope of recognition. OSHA's review of the application file and its comparability analysis indicate that UL can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of 21 test standards for NRTL testing and certification listed above. This preliminary determination does not constitute an interim or temporary approval of UL's application.

2. The UL 66 and UL 8750 test standards are appropriate test standards, and OSHA proposes to include these test standards in the NRTL Program's list of appropriate test standards.

OSHA welcomes public comment as to whether UL meets the requirements of 29 CFR 1910.7 for expansion of its recognition as an NRTL. OSHA also seeks comments as to whether the UL 66 and UL 8750 test standards are appropriate test standards under the NRTL Program. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the publicly available information in UL's application, including pertinent documents (e.g., exhibits) and all submitted comments, contact the Docket Office, Room N–2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address; these materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2009–0025.

The OTPCA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend to the Assistant Secretary for Occupational Safety and Health whether to grant UL's application for expansion of its scope of recognition and whether to add the two test standards to the NRTL list of appropriate test standards. The Assistant Secretary will make the final decision on granting the application and adding the two new test standards. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of its final decision in the **Federal Register**.

IV. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on April 16, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–09075 Filed 4–21–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0025]

Revocation of Permanent Variances Granted for Chimney Construction

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice revoking permanent variances.

SUMMARY: With this notice, the Occupational Safety and Health Administration (''OSHA'' or the ''Agency'') is revoking permanent variances that it granted between 1973 and 2010 to 24 companies engaged in chimney construction (hereafter, ''previous variances''). The previous variances provided the companies with an alternative means of complying with provisions of OSHA standards regulating boatswains' chairs, personnel platforms, and hoist towers.

DATES: The effective date for revoking the previous variances is April 22, 2014.

ADDRESSES: *Copies of the **Federal Register** notice:* Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This **Federal Register** notice, as well as other relevant information, also is available on OSHA's Web page at *http://www.osha.gov.*

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

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

General and technical information: Contact Mr. David Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; telephone: (202) 693–2110; email: *johnson.david.w@dol.gov.* OSHA's Web page includes information about the Variance Program (see *http://www.osha.gov/dts/otpca/variances/index.html*).

SUPPLEMENTARY INFORMATION: On October 2, 2013, OSHA published a **Federal Register** notice (78 FR 60900) in which it updated the previous variances with a single, permanent variance (''the uniform variance''). The 2013 **Federal Register** notice granted the uniform variance to a number of the companies that held previous variances. On January 31, 2014, OSHA published a **Federal Register** notice (79 FR 5462) in which it proposed to revoke the previous variances. OSHA received no comments on the proposed revocation. Therefore, with this action, OSHA is revoking the previous variances and invites employers not covered by the uniform variance to submit applications for an equivalent variance.

I. Background

A. Previous Chimney-Related Construction Variances

From 1973 through 2010, the Agency granted permanent variances to a number of chimney-construction companies from the provisions of the OSHA standards that regulate boatswains' chairs, personnel platforms, and hoist towers, specifically, paragraph (o)(3) of 29 CFR 1926.452 and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552.[1] Several of these previous variances limited the scope of the variances only to chimneys constructed using jump-form construction techniques and procedures (see, for example, 38 FR 8545 granted April 3, 1973, and 71 FR 10557 granted March

[1] See 38 FR 8545 (April 3, 1973), 44 FR 51352 (August 31, 1979), 50 FR 20145 (May 14, 1985), 50 FR 40627 (October 4, 1985), 52 FR 22552 (June 12, 1987), 68 FR 52961 (September 8, 2003), 70 FR 72659 (December 6, 2005), 71 FR 10557 (March 1, 2006), 72 FR 6002 (February 8, 2007), 74 FR 34789 (July 17, 2009), 74 FR 41742 (August 18, 2009), and 75 FR 22424 (April 28, 2010).

1, 2006), while more recently granted chimney-construction variances, limited the scope of the variances to the construction of tapered chimneys using jump-form construction techniques and procedures (see, for example, 75 FR 22424; April 28, 2010). In addition, the conditions specified in the previous variances became somewhat inconsistent over time, and none of these variances kept pace with updated construction methods used by, and technological advances taking place in, the chimney-construction industry.

B. Grant of the Uniform Chimney-Construction Variance

In the period from November 2012 through January 2013, 15 employers involved in chimney construction submitted applications for a new permanent variance under Section 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) and 29 CFR 1905.11 (''Variances and other relief under section 6(d)''). The applicants construct, renovate, repair, maintain, inspect, and demolish tall chimneys and similar structures made of concrete, brick, and steel. This work, which occurs throughout the United States, requires employers to transport employees and construction tools and materials to and from elevated worksites located inside and outside these structures.

As in the past, the employers sought a permanent variance from paragraph (o)(3) of 29 CFR 1926.452, which regulates the tackle used to rig a boatswain's chair, as well as paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552, which regulate personnel platforms and hoist towers. OSHA consolidated these variance applications into a single application and published the uniform variance application, along with a request for public comment, in the **Federal Register** on March 21, 2013 (78 FR 17432). On October 2, 2013, the Agency granted the permanent variance in a notice published in the **Federal Register** (78 FR 60900). The scope of the uniform variance included both chimneys and chimney-related structures such as silos and towers, as well as jump-form and slip-form construction techniques and procedures, regardless of structural configuration.[2] Additionally, the uniform variance added or revised conditions that improved worker safety, including: Condition 3 (Definitions), which defines 29 key terms used in the variance, usually technical terms, for the purpose of standardizing and clarifying the meaning of these terms; Condition 5 (Hoist Machines), which updates the requirements for the design and use of hoist machines based on guidance provided by American National Standards Institute (ANSI) A10.22–2007; and Condition 6 (Methods of Operation), which expands and clarifies the training requirements for both the operators of the hoist machine and the employees who ride in the cage (this condition adopted several provisions of ANSI A10.22–2007). (See the table and preamble in 78 FR 60900, October 2, 2013, for an extensive description of the differences between the uniform variance and a previous variance published in 2010.)

In view of the Agency's history with the variances granted for chimney-related construction, OSHA determined that it should replace the previously granted variances (1973 through 2010) with the recently published uniform variance. In doing so, OSHA believes that the uniform variance, when compared to the previous variances: (1) provides more consistency across the conditions specified by the variance, thereby expediting OSHA's enforcement of the conditions; (2) allows employers to use updated technology and industry practices; and (3) increases worker safety.

In developing the uniform variance, OSHA sent a letter on December 21, 2012, to all employers holding previous chimney-construction variances (see Ex. OSHA–2013–0025–0001 for a sample letter). The letter informed them of the process of developing a uniform variance and of OSHA's plan to revoke all previous chimney-construction variances once OSHA published the uniform variance. In response to this letter, 15 chimney-construction employers holding previous variances applied for the new uniform variance.

II. Multi-State Variances

Twenty-seven states have safety and health plans approved by OSHA under Section 18 of the Occupational Safety and Health (OSH) Act (29 U.S.C. 667) and 29 CFR part 1952 (''Approved State Plans for Enforcement of State Standards''). Of these states, 18 states have standards identical to the Federal OSHA standards. These states are: Alaska, Arizona, Hawaii, Indiana, Iowa, Kentucky, Maryland, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Vermont, Virginia, and Wyoming. Accordingly, the revocation action announced in this notice applies to the previous variances granted in the 17 states and two territories that have standards identical to the Federal OSHA standards.[3]

The State Plans operated by Hawaii, Iowa, Kentucky, and South Carolina either declined to accept the terms of previous variances or stated that affected employers must apply to the state program for a state variance prior to initiating chimney construction. Because these State Plans elected to exercise control over the variances, this revocation action does not apply to any chimney-construction variances granted under these State-Plan programs.

State-Plan programs operated by four states (California, Michigan, Utah, and Washington) have requirements in their construction standards for the tackle used to rig a boatswain's chair, personnel platforms, and hoist towers that differ from the requirements specified by the Federal OSHA standards. In these cases, only the State-Plan program has authority to issue variances from these requirements. Therefore, the revocation action described herein does not apply to any variances issued by these states involving these requirements.

III. Previous Chimney-Construction Variances

The following table provides information about the previous variances granted by OSHA between 1973 and 2010 for chimney construction, and which are subject to the revocation action described in this notice.[4] Refer to the **Federal Register**

[2] Throughout this notice, OSHA uses the terms ''jump-form construction'' and ''slip-form construction'' instead of ''jump-form formwork construction'' and ''slip-form formwork construction,'' respectively.

[3] State-Plan programs operated by four states and one territory (Connecticut, Illinois, New Jersey, New York, and the Virgin Islands) limit their occupational safety and health authority to public-sector (i.e., state and local government) employers only. Federal OSHA retains authority over private-sector employers in these states and territory; therefore, private-sector employers in these states and territory are subject to the previous variances granted by Federal OSHA, and to this revocation action. Twenty-one states and one territory operate State Plans that exercise occupational safety and health authority over both public-sector employers and private-sector employers; these states and territory are: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The application of this revocation action to these State Plans varies depending on several factors described later in this section.

[4] As noted above, the previous variances addressed the requirements of paragraph (o)(3) of 29 CFR 1926.452, which regulates the tackle used to rig a boatswain's chair, and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552, which regulate personnel platforms and hoist towers.

citation in the table to obtain detailed information about these previous variances.

information about these previous variances.

TABLE 1—PREVIOUS CHIMNEY VARIANCES

Name of employer (Company)	Variance or docket No.	Date granted	**Federal Register** citation	Applied for uniform variance?
Airtek-Karrena Chimney Corporation	V–79–3	08/31/79	44 FR 51350	No.
Avalotis Corporation	OSHA–2009–005	04/28/10	75 FR 22424	Yes.
Bowen Engineering Corporation (merged with Mid-Atlantic Boiler and Chimney, Inc., formerly Alberici-Mid Atlantic, LLC)*.	V–04–1	O3/01/06	71 FR 10557	Yes.
Calaveras Power Partners, Inc.	OSHA–2007–0046	07/17/09	74 FR 34789	No.
Commonwealth Dynamics, Inc.	V–04–1	03/01/06	71 FR 10557	Yes.
Continental-Heine Chimney Company, Inc.	V–73–13	04/03/73	38 FR 8545	No.
Francis Hankin and Company, Inc.	V–77–12; V–77–6	08/31/79	44 FR 51352	No.
Gibraltar Chimney International, LLC	OSHA–2007–004	08/18/09	74 FR 41742	Yes.
Hamon Custodis (formerly Custodis Construction Co. Inc., then Custodis Cuttrell, Inc.)*.	V–73–13	04/03/73	38 FR 8545	Yes.
Hoffman, Inc.	OSHA–2007–004	08/18/09	74 FR 41742	Yes.
International Chimney Corporation	V–04–2	12/06/05	70 FR 72659	Yes.
Karrena-International, LLC	V–04–2	12/06/05	70 FR 72659	Yes.
Kiewit Power Constructors Co.**	OSHA–2007–004	08/18/09	74 FR 41742	Yes.
Matrix Service, Inc.	OSHA–2007–0046	07/17/09	74 FR 34789	No.
Matrix SME, Inc. (formerly Matrix Service Industrial Contractors, Inc.)*.	V–04–2	12/06/05	70 FR 72659	Yes.
NAES Power Contractors (formerly American Boiler & Chimney Company)*.	V–02–1	09/08/03	68 FR 52961	Yes.
Oak Park Chimney Corporation	V–02–1	09/08/03	68 FR 52961	No.
PDM Steel Service Centers (formerly Pittsburgh-Des Moines Steel Company)*.	V–77–12; V–77–6	08/31/79	44 FR 51352	No.
Pullman Power, LLC (formerly M. W. Kellogg Co., then Pullman Power Products Corporation)*.	V–73–13	04/03/73	38 FR 8545	Yes.
R and P Industrial Chimney Co., Inc.	V–04–1	03/01/06	71 FR 10557	Yes.
Rust Constructors, Inc. (formerly Rust Engineering Company)*.	V–73–13	04/03/73	38 FR 8545	No.
T. E. Ibberson Company	OSHA–2007–0046	07/17/09	74 FR 34789	Yes.
TIC-The Industrial Company	OSHA–2007–0046	07/17/09	74 FR 34789	Yes.
Zachry Construction Corporation	OSHA–2007–0046	07/17/09	74 FR 34789	No.

*The current name of the company is listed. Names in parentheses are the name listed on the original variance, followed by any subsequent names.

**Includes a subsequent interim order granted 03/26/07.

IV. Revocation of Previous Variances

Based on its review of the record and the findings described in this **Federal Register** notice, OSHA determined that the conditions specified in the uniform variance published on October 2, 2013, (78 FR 60900) provide consistent and technologically sound measures designed to replace and supersede the previous chimney-construction variances granted by OSHA prior to 2010. Accordingly, OSHA finds that the uniform variance, when compared to the previous variances: (1) Provides more consistency across the conditions specified by the variance, thereby expediting OSHA's enforcement of the conditions; (2) allows employers to use updated technology and industry practices; and (3) increases worker safety. Therefore, under the authority granted by 29 CFR 1905.13(a)(2), on January 31, 2014, OSHA published a **Federal Register** notice (79 FR 5462) in which it proposed to revoke the previous variances. OSHA received no comments on the proposed revocation, including no comments from State Plans.

Consequently, following the publication of this revocation notice, employers involved in chimney construction will either have to comply with the requirements of paragraph (o)(3) of 29 CFR 1926.452 and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552 or, if granted a uniform variance, comply with the conditions of that variance. OSHA granted the uniform variance to the following 15 employers:

- Avalotis Corp; 400 Jones Street, Verona, PA 15147
- Bowen Engineering Corporation (merged with Mid-Atlantic Boiler & Chimney, Inc., (formerly Alberici Mid-Atlantic, LLC)), 8802 N. Meridian St. Indianapolis, IN 46260
- Commonwealth Dynamics, Inc., 95 Court Street, Portsmouth, NH 03801
- Gibraltar Chimney International, LLC, 92 Cooper Ave. Tonawanda, NY 14150
- Hamon Custodis, Inc. (formerly Custodis Construction Co., Inc., then Custodis Cuttrell, Inc.), 58 East Main Street, Somerville, NJ 08876
- Hoffmann, Inc., 6001 49th Street South, Muscatine, IA 52761
- International Chimney Corporation, 55 South Long Street, Williamsville, NY 14221
- Karrena International Chimney, 57 South Long Street, Williamsville, NY 14221
- Kiewit Power Constructors Co., 9401 Renner Blvd., Lenexa, KS 66219
- Matrix SME, Inc. (formerly Matrix Service Industrial Contractors, Inc.),

1510 Chester Pike, Suite 500, Eddystone, PA 19022

- NAES Power Contractors (formerly American Boiler and Chimney Company), 167 Anderson Rd., Cranberry Township, PA 16066
- Pullman Power, LLC (formerly M. W. Kellogg Co., then Pullman Power Products Corporation), 6501 E. Commerce Avenue, Suite 200, Kansas City, MO 64120
- R and P Industrial Chimney Co., Inc., 244 Industrial Parkway, Nicholasville, KY 40356
- T. E. Ibberson Company, 828 5th St. South, Hopkins, MN 55343
- TIC-The Industrial Company, 9780 Mt. Pyramid Ct., Suite 100, Englewood, CO 80112

Nine employers hold previous variances and did not apply for the uniform variance. These employers are:

- Airtek-Karrena Chimney Corporation, 1776 Heritage Drive, Quincy, MA 02171
- Calaveras Power Partners, Inc., P. O. Box 241769, San Antonio, TX 78224
- Continental-Heine Chimney Company, Inc., 127 North Dearborne Street, Chicago, IL 60602
- Francis Hankin and Company, Inc., 117 Crockford Boulevard, Scarborough, Ontario, Canada, MIR 3B9
- Matrix Service, Inc., 3810 Bakerview Spur, Bellingham, WA 98226
- Oak Park Chimney Corporation, 1800 Des Plaines Avenue, Forest Park, IL 60130
- PDM Steel Service Centers (formerly Pittsburgh-Des Moines Steel Company) 3535 East Myrtle Street, Stockton, CA 95205
- Rust Constructors, Inc. (formerly Rust Engineering Co.), 2 Perimeter Park South, Suite 300W, Birmingham, AL 35243
- Zachry Construction Corporation, 527 Logwood, San Antonio TX 78221

Under this revocation action, these nine employers, when engaged in chimney construction, will have to comply with the requirements of paragraph (o)(3) of 29 CFR 1926.452 when rigging tackle for boatswain's chairs, and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552 when using personnel platforms and hoist towers. OSHA invites these employers, and any other employers seeking an alternative means of complying with these provisions, to submit applications for a variance containing conditions that are equivalent to the conditions specified by the uniform variance.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC, authorized the preparation of this notice. OSHA is issuing this notice under the authority specified by 29 U.S.C. 655, Secretary of Labor's Order No. 1–2012 (76 FR 3912; Jan. 25, 2012), and 29 CFR part 1905.

Signed at Washington, DC, on April 16, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–09073 Filed 4–21–14; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 14–038]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery '' for approval under the Paperwork Reduction Act (PRA). This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces our intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection.

DATES: Consideration will be given to all comments received within 60 days after from the date of this publication.

ADDRESSES: All comments should be addressed to Frances Teel, National Aeronautics and Space Administration, Washington, DC 20546–0001, *frances.c.teel@nas.gov*. Please do not include information of a confidential nature, such as sensitive personal information or proprietary information, in your comments.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Frances Teel, NASA PRA Clearance Officer, NASA Headquarters, 300 E Street SW., Mail Code JF0000, Washington, DC 20546 or *frances.c.teel@nasa.gov*.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management

purposes and is not intended for release outside of the agency;

• Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

• Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: Extension of approval for a collection of information.

Type of Review: Extension.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local, or Tribal Government.

Below we provide projected average estimates for the next three years:

Average Expected Annual Number of activities: 60.

Average Number of Respondents per Activity: 300.

Annual Responses: 18,000.

Frequency of Response: Once per request.

Average Minutes per Response: 5.

Burden Hours: 1,500.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments will be available for public inspection at: Regulations.gov.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Frances Teel,

NASA PRA Clearance Officer.

[FR Doc. 2014–09133 Filed 4–21–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 14–037]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Frances Teel, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Frances Teel, NASA PRA Officer, NASA Headquarters, 300 E Street SW., JF0000, Washington, DC 20546, (202) 358–2225.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Kennedy Educational Experiences Program (KEEP) is a job shadowing program intended to provide high school and college level students with a unique opportunity to increase their awareness of the practical application of science, technology, engineering, and mathematics (STEM) careers through a job shadowing experience under the mentorship of a NASA Kennedy Space Center (KSC) subject matter expert. Participation in the program is limited to students who are U.S. citizens and 16 years of age or older. Students will submit (1) an application package that designates their top three areas of interest (computer science, environmental science, engineering, meteorology, physics, etc.) for the job shadowing experience and (2) recommendations from two separate science, math, or technology teachers associated with their current school of enrollment. Students may request a shadowing opportunity from 1–5 days; however the exact shadowing time period is based on the availability of the STEM mentors. This information collection extension includes changes to the instruments/forms for clarity and comprehensibility and the associated burden hours to read the instructions, gather the information, and submit. This 60-day FRN replaces FRN–2014–02–19.

II. Method of Collection

Electronic

III. Data

Title: Kennedy Educational Experiences program (KEEP).

OMB Number: 2700–0135.

Type of review: Extension of approval for a collection of information.

Affected Public: Individuals.

Estimated Number of Respondents: 180.

Estimated Total Annual Burden Hours: 90.

Estimated Total Annual Cost to Respondents: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) 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 automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Frances Teel,

NASA PRA Clearance Officer.

[FR Doc. 2014–09046 Filed 4–21–14; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–228–LT; ASLBP No. 14–931–01–LT–BD01]

Aerotest Operations, Inc. (Aerotest Radiography and Research Reactor); Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission, *see* 37 FR 28710 (Dec. 29, 1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.105, 2.300, 2.309, 2.313, 2.318, and 2.321, and in accordance with Commission Memorandum and Order CLI–14–05, notice is hereby given that an Atomic Safety and Licensing Board (Board), consisting of a single administrative judge serving as presiding officer, is being appointed for the limited purpose of compiling a hearing record, ruling on any motions related to developing the factual record, presiding at any oral hearing, and certifying the compiled record to the Commission in the following license transfer proceeding:

Aerotest Operations, Inc. (Aerotest Radiography and Research Reactor)

This proceeding involves a challenge by joint intervenors—Aerotest Operations, Inc. and Nuclear Labyrinth, LLC—to the NRC Staff's July 24, 2013 denial of a license transfer request. *See* Aereotest Operations, Inc.—Denial of License Renewal, Denial of License Transfer, and Issuance or Order to Modify License No. R–98 to Prohibit Operation of the Aerotest Radiography and Research Reactor, Facility Operating License No. R–98 (TAC NOS. ME8811 and MC9596) (July 24, 2013).

The administrative judge who will serve as presiding officer on the Board is: E. Roy Hawkens, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule (10 CFR 2.302), which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland this 16th day of April 2014.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 2014–09160 Filed 4–21–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Digital I&C; Notice of Meeting

The ACRS Subcommittee on Digital I&C will hold a briefing on May 21, 2014, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, May 21, 2014—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review the mPower Final Design Specific Review Standard (DSRS), Chapter 7 on Instrumentation and Control. The Subcommittee will hear presentations by and hold discussions with the NRC staff, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christina Antonescu (Telephone 301–415–6792 or Email: *Christina.Antonescu@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on November 8, 2013 (78 CFR 67205–67206).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: April 9, 2014.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2014–09153 Filed 4–21–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on May 7, 2014, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, May 7, 2014—12:00 p.m. Until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on November 8, 2013, (78 CFR 67205–67206).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (240–888–9835) to be escorted to the meeting room.

Dated: April 10, 2014.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2014–09141 Filed 4–21–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Radiation Protection and Nuclear Materials; Notice of Meeting

The ACRS Subcommittee on Radiation Protection and Nuclear Materials will hold a meeting on May 7, 2014, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, May 7, 2014—1:00 p.m. Until 5:00 p.m.

The Subcommittee will review and discuss the status of projects and programs that enhance the Fuel Cycle Oversight Program per the Staff Requirements Memoraundum on SECY–11–0140. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Derek Widmayer (Telephone 301–415–7366 or Email: *Derek.Widmayer@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on November 8, 2013 (78 CFR 67205–67206).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: April 9, 2014.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2014–09144 Filed 4–21–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Plant License Renewal; Notice of Meeting

The ACRS Subcommittee on Plant License Renewal will hold a meeting on May 22, 2014, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, May 22, 2014—1:30 p.m. Until 5:00 p.m.

The Subcommittee will review and discuss the license renewal application and the associated draft Safety Evaluation Report (SER) with open items for the Callaway Plant, Unit 1. The Subcommittee will hear presentations by and hold discussions with the NRC staff, Ameren Missouri, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Kent Howard (Telephone 301–415–2989 or Email: *Kent.Howard@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on November 8, 2013 (78 CFR 67205–67206).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: April 8, 2014.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2014–09156 Filed 4–21–14; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, April 24, 2014 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;
institution and settlement of administrative proceedings;
amicus consideration;
an adjudicatory matter; and
other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: April 17, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09213 Filed 4–18–14; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71954; File No. SR–CHX–2014–03]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Order Approving a Proposed Rule Change To Amend the Bylaws of the Exchange Relating to the Nomination and Election of the Vice Chairman

April 16, 2014.

I. Introduction

On February 28, 2014, Chicago Stock Exchange, Inc. (''Exchange'' or ''CHX'') 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 proposal to amend Article II, Section 5 of the Bylaws of the Exchange (''Bylaws'') to change the method by which the Vice Chairman is nominated and elected. The proposed rule change was published for comment in the **Federal Register** on March 14, 2014.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposed Rule Change [4]

Article II, Section 5(a) of the Bylaws governs the election of the Vice Chairman [5] of the Board of Directors (''Board''). It provides, among other things, that Participant Directors [6] shall elect the Vice Chairman by majority vote from among the Participant Directors. By the proposed rule change, the Exchange is amending this Bylaws provision to: (1) Eliminate the requirement that the Vice Chairman be a Participant Director; (2) provide that the Chairman nominate the Vice Chairman; and (3) provide that the Vice Chairman be elected by a majority vote of the Board of Directors. The Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71675 (March 10, 2014), 79 FR 14550 (March 14, 2014) (''Notice'').

[4] A more detailed description of the proposal is contained in the Notice. *See id.*

[5] Article II, Section 5(b) of the Bylaws states that the Vice Chairman ''shall perform the functions of the Chairman in his absence or inability to act.'' The Vice Chairman may appoint members of certain committees and nominate persons to fill vacancies on the Board of Directors of the Exchange, among other authority.

[6] Article II, Section 2(b) of the Bylaws defines a Participant Director as ''a director who is a Participant or an officer, managing member or partner of an entity that is a Participant.'' A Participant is ''any individual, corporation, partnership or other entity that holds a permit issued by the Corporation to trade securities on the market operated by the Corporation.''

also proposes to require that the Chairman provide the name of the nominee for Vice Chairman to the Board no less than five business days before the election vote.

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[7] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(1) of the Act,[8] which requires that a national securities exchange be organized and have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with of the Act, the rules and regulations thereunder, and the Exchange's own rules. Proposed Article II, Section 5(a) of the Bylaws allows the Exchange to select its Vice Chairman from a larger pool of individuals, which may—and which CHX states will—''result in the position being held by the most able and willing candidate.'' [9]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[10] that the proposed rule change (SR–CHX–2014–03) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09078 Filed 4–21–14; 8:45 am]

BILLING CODE 8011–01–P

[7] In approving the proposed rule change, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78f(b)(1).

[9] *See* Notice, *supra* note 3, 79 FR at 14550. The Commission notes that the Exchange's proposal makes no change to the composition provision of Article II, Section 2(b) of the Bylaws, which requires a certain proportion of Public and Participant Directors on the Board.

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71952; File No. SR–NYSEMKT–2014–32]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Proposes To Amend Certain of Its NYSE MKT Equities Rule Series (500 through 525) To Permit Additional Securities To Be Admitted to Dealings on the Exchange Pursuant to a Grant of Unlisted Trading Privileges

April 16, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 4, 2014, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend certain of its NYSE MKT Equities Rule Series (500 through 525) to permit additional securities to be admitted to dealings on the Exchange pursuant to a grant of unlisted trading privileges. Additionally, the Exchange proposes to amend Supplementary Material .20 to Rule 103—Equities to apply a uniform minimum net capital standard to Designated Market Maker (''DMM'') units, regardless of the type of security in which the DMM unit is registered. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, at the Commission's Public Reference Room, and on the Commission's Web site at *www.sec.gov.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend certain of its NYSE MKT Equities Rule Series (500 through 525) (the ''500 series rules'') to permit additional securities to be admitted to dealings on the Exchange pursuant to a grant of unlisted trading privileges. Additionally, the Exchange proposes to amend Supplementary Material .20 to NYSE MKT Rule 103—Equities to apply a uniform minimum net capital standard to DMM units,[4] regardless of the type of security in which the DMM unit is registered.

Amendments to 500 Series Rules

Securities admitted to trade on the Exchange pursuant to a grant of unlisted trading privileges are subject to a pilot program (the ''UTP Pilot Program'') set forth in the 500 series rules.[5] The current UTP Pilot Program is limited to securities listed on the Nasdaq Stock Exchange (''Nasdaq Securities''), and includes only a single Exchange Traded Fund, the Invesco PowerShares QQQ™ (the ''QQQ™'').[6]

The Exchange proposes to amend certain of the 500 series rules to expand the UTP Pilot Program beyond Nasdaq Securities and replace the term ''Nasdaq Securities'' with the term ''UTP Securities,'' which would be admitted to trading on the Exchange pursuant to a grant of unlisted trading privileges. As proposed, amended Rule 501(b)—Equities [7] would define ''UTP Security''

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] DMM unit is defined as ''any member organization, aggregation unit within a member organization, or division or department within an integrated proprietary aggregation unit of a member organization that (i) has been approved by NYSE Regulation pursuant to NYSE MKT Rule 98(c)—Equities, (ii) is eligible for allocations under Rule 103B—Equities as a DMM unit in a security listed or traded on the Exchange, and (iii) has met all registration and qualification requirements for DMM units assigned to such unit.'' *See* Rule 98(b)(2)—Equities.

[5] *See* Securities Exchange Act Release No. 62479 (July 9, 2010), 75 FR 41264 (July 15, 2010) (SR–NYSEAmex–2010–31).

[6] The UTP Pilot Program is currently scheduled to expire on the earlier of Commission approval to make the pilot permanent or July 31, 2014. *See* Securities Exchange Act Release No. 71363 (Jan. 21, 2014), 79 FR 4373 (Jan. 27, 2014) (SR–NYSEMKT–2014–01).

[7] As discussed in detail below, the scope of Exchange Traded Funds eligible to trade on the Exchange pursuant to a grant of unlisted trading

to mean any security not listed on the Exchange that (i) is designated as an ''eligible security'' under the ''UTP Plan,'' discussed below, and (ii) has been admitted to dealings on the Exchange pursuant to a grant of unlisted trading privileges in accordance with Section 12(f) of the Act.[8]

In addition to Nasdaq Securities, the new definition of UTP Securities would include certain ''Exchange Traded Products'' (''ETPs''). For purposes of this filing, ETPs include Exchange Traded Funds (''ETFs'')[9]; Exchange Traded Notes (''ETNs'')[10]; Exchange Traded Vehicles (''ETVs'')[11]; or any other security, other than a single equity option or a security futures product, whose value is based, in whole or in part, upon the performance of, or interest in, an underlying instrument.

As proposed, New Rule 501(b)(3)—Equities, would exclude from the definition of UTP Security any ETP that has one or more component securities that trade either on the Exchange or on the New York Stock Exchange, LLC (the ''NYSE''). However, consistent with current 500 Series Rules, proposed new Rule 501(b)(3)—Equities would permit the QQQ™, an ETF, to continue to trade on the Exchange on an unlisted trading privileges basis, subject to the continuation of certain restrictions.[12]

The Exchange proposes to amend the definition of UTP Plan under Rule 501(f)—Equities to reflect the expanded scope of the UTP Pilot Program. The current rule[13] applies only to Nasdaq Securities and, therefore, the definition of UTP Plan is limited to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-listed Securities Traded on Exchanges on an Unlisted Trading Privilege Basis (the ''Nasdaq Plan''). Amended Rule 501(f)—Equities would define the UTP Plan as comprising the Nasdaq Plan for Nasdaq Securities, plus the Consolidated Tape Association Plan for the Dissemination of Last Sale Prices of Transactions in Eligible Securities (''CTA Plan''), which would apply to all securities other than Nasdaq Securities that trade on the Exchange on an unlisted trading privileges basis, including ETPs listed on NYSE Arca, Inc.[14]

The Exchange proposes to amend Rule 509(a)(2)—Equities with respect to a DMM's obligations to maintain price continuity with reasonable depth under Rules 104(f)(ii) and (iii) and 104(h)(ii) and (iii)(A)—Equities. The obligations are set out in Depth Guidelines and Price Participation Points (''PPPs''), which are implemented by the Exchange. The Exchange issues Depth Guidelines for each security in which a DMM is registered, and a DMM is expected to quote and trade with reference to such guidelines.[15] PPPs serve as guidelines that identify the price at or before which a DMM unit is expected to re-enter the market after a ''Conditional Transaction.''[16]

The Depth Guidelines and PPPs, as described in Rules 104(f)(ii) and (iii) and 104(h)(ii) and (iii)(A)—Equities, would apply to UTP Securities; however, the Exchange would determine when implementation of the provisions would occur, and in any case it would not be until at least six months after the Commission's approval of this filing. The phased implementation would give the Exchange time to gather data to develop and phase in appropriate guidelines for UTP Securities.[17]

The Exchange proposes to amend the following rules to change references from ''Nasdaq Securities'' to ''UTP Securities'': Rules 500, 501,[18] 502, 504, 506, 508,[19] 509, 511, 512, 515, 516, and 518—Equities. The Exchange also proposes to amend Rules 510 and 522—Equities to change references from ''Exchange Traded Fund'' to ''ETP.''

The Exchange believes that the proposed amendments to the 500 Series rules would encourage the additional utilization of, and interaction with, the Exchange, and provide market participants with improved price discovery, increased liquidity, more competitive quotes, and greater price improvement for UTP Securities. A DMM in each UTP Security would be required to facilitate trading, which would supply liquidity as needed. By allowing a broader set of securities to be traded on the Exchange under the UTP Pilot Program, the proposed revision gives market participants more flexibility in deciding on which venue to trade UTP Securities, consistent with trading needs of such participants.

Amendments to DMM Unit Minimum Capital Requirements

The Exchange proposes to amend Supplementary Material .20 to Rule 103—Equities to apply a uniform minimum net capital standard to DMM units, regardless of the type of security

privileges would be expanded beyond the QQQ™. Thus, current Rule 501(b)—Equities would be deleted and current paragraphs (c) through (g) of Rule 501—Equities would be redesignated as paragraphs (b) through (d) of Rule 501—Equities, and certain of those redesignated paragraphs would be amended, as indicated in this filing.

[8] Section 12(a) of the Act generally prohibits the trading on a national securities exchange of any security that is not listed on that exchange. Subject to certain limitations, however, Section 12(f) excludes from this restriction securities traded pursuant to unlisted trading privileges that are listed and registered on another national securities exchange, otherwise registered under Section 12 of the Act, or that would be required to be so registered except for a specified exemption from registration. 15 U.S.C. 78*l;* Securities Exchange Act Release No. 43217 (Aug. 29, 2000), 65 FR 53560 (Sept. 5, 2000).

[9] An ETF is an open-end management investment company under the Investment Company Act of 1940 that has received certain exemptive relief from the Commission to allow secondary market trading in the ETF shares. An ETF typically holds a portfolio of securities that is intended to provide results that, before fees and expenses, generally correspond to the price and yield performance of an underlying benchmark index or an investment objective, or that, rather than seek to track the performance of an underlying index, are managed according to the investment objective of the ETF's investment advisor.

[10] An ETN is a senior unsecured debt obligation designed to track the total return of an underlying index, benchmark or strategy, minus investor fees. ETNs are registered under the Securities Act of 1933 and are redeemable to the issuer.

[11] An ETV tracks the underlying performance of an asset or index, allowing the investors exposure to underlying assets such as futures contracts, commodities, and currencies without trading futures or taking physical delivery of the underlying asset. An ETV is traded intraday like an ETF. An ETV is an open-end trust or partnership unit that is registered under the Securities Act of 1933.

[12] *See* Rule 504(b)(5)—Equities. The Exchange proposes to replace the reference to ''ETF'' and ''Exchange Traded Fund'' in Rule 504(b)(5)—Equities with ''QQQ™'' because the only ETF that would be subject to the requirements of that rule would be the QQQ™.

[13] Rule 501(g)—Equities has been redesignated as Rule 501(f)—Equities.

[14] *See* Securities Exchange Act Release No. 10787 (May 10, 1974), 39 FR 17799 (May 20, 1974) (declaring the CTA Plan effective). The Nasdaq Plan provides for the collection, processing, and dissemination of last sale and quotation data with respect to Nasdaq Securities trading on participant exchanges on an unlisted trading privileges basis. *See* Securities Exchange Act Release No. 70429 (Sept. 17, 2013), 78 FR 58352 (Sept. 23, 2013). The CTA Plan provides for the collection, processing, and dissemination of last sale data for non-Nasdaq Securities trading on participant exchanges on an unlisted trading privileges basis. *See* Securities Exchange Act Release No. 70010 (July 19, 2013), 78 FR 44984 (July 25, 2013) (SR–CTA/CQ–2013–04).

[15] Rule 104(f)(iii)—Equities.

[16] Rule 104(h)(iii)(A)—Equities. A ''Conditional Transaction'' is a DMM's transaction in a security that establishes or increases a position and reaches across the market to trade as the contra-side to the Exchange-published bid or offer. Rule 104(h)(i)—Equities.

[17] For similar reasons, the Exchange implemented depth guidelines under the current UTP Pilot Program six months after approval of those rule changes. *See supra* note 5.

[18] In addition to the other amendments to Rule 501—Equities identified in this filing, a reference to trading pauses under the LULD Pilot Program was added to situations in which the market for a UTP Security could be manual or ''slow.''

[19] Rule 508(b)(2)—Equities also added a reference to trading pauses under the LULD Pilot Program to situations in which the market for a UTP Security could be manual or ''slow.''

in which the DMM unit is registered. Under the current version of Supplementary Material .20, each DMM unit, other than those registered in Structured Products,[20] must maintain tentative net capital in the amount of the greater of $1,000,000 or an amount sufficient to assume a position of sixty trading units of each security in which the DMM unit is registered. DMM units that are registered in Structured Products, however, must maintain tentative net capital in the amount of the greater of $500,000 for each Structured Product or $1,000,000.

The Exchange proposes to eliminate the distinction between DMM units registered in Structured Products and DMM units registered in other securities. The revised version of Supplementary Material .20 eliminates the special net capital requirement applicable to DMM units registered in Structured Products, requiring all DMM units to maintain tentative net capital in the amount of the greater of $1,000,000 or an amount sufficient to assume a position of sixty trading units of each security in which the DMM is registered.

The Exchange does not believe that DMMs registered in Structured Products should be treated differently from DMMs registered in other securities for net capital purposes. The purpose of the net capital requirement is to ensure that DMM units maintain sufficient liquidity to carry out their obligations to maintain an orderly market in their assigned securities during periods of market stress. The Exchange believes that the uniform minimum net capital standard will be adequate to support the liquidity needs of DMM units to meet their obligations to the market during periods of market stress. Thus, the Exchange proposes to eliminate disparate treatment for DMM units registered in Structured Products with respect to net capital requirements.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Exchange believes that the proposal is consistent with (i) Section 6(b) of the Act,[21] in general, and furthers the objectives of Section 6(b)(5),[22] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; (ii) Section 11A(a)(1) of the Act,[23] in that it seeks to ensure the economically efficient execution of securities transactions and fair competition among brokers and dealers and among exchange markets; and (iii) Section 12(f) of the Act,[24] which governs the trading of securities pursuant to unlisted trading privileges consistent with the maintenance of fair and orderly markets, the protection of investors and the public interest, and the impact of extending the existing markets for such securities.

The Exchange believes that the proposed rule change will remove impediments to and perfect the mechanism of a free and open market because expanding the number of securities available to trade on the Exchange on an unlisted trading privileges basis will enhance intermarket competition for such securities. Specifically, the Exchange believes that expanding the set of securities covered by the UTP Pilot Program would encourage the additional utilization of, and interaction with, the Exchange, thereby providing market participants with additional price discovery, increased liquidity, more competitive quotes, and potentially greater price improvement for UTP Securities. The Exchange also believes that eliminating disparate treatment of DMM units registered in Structured Products for net capital purposes will remove impediments to and perfect the mechanism of a free and open market because a uniform minimum net capital standard will equalize the net capital requirements for a DMM registered in Structured Products as compared with other securities.

Finally, the Exchange believes that the proposed elimination of disparate treatment of DMM units registered in Structured Products for net capital purposes in favor of a uniform net capital requirement applicable to all DMM units is designed to protect investors and the public interest and promote just and equitable principles of trade. The Exchange believes the proposed rule change will protect investors and the public interest because the uniform standard will adequately support the liquidity needs of DMM units to enable them to meet their obligations during times of market stress.[25] Further, the proposed rule change will promote just and equitable principles of trade because the Exchange does not believe that DMM units registered in Structured Products should be treated differently from DMM units registered in other securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that expanding the set of securities permitted to be traded on the Exchange pursuant to unlisted trading privileges will promote competition in the trading of UTP Securities by providing an additional market for the trading of such securities, and thereby provide market participants with opportunities for improved price discovery, increased liquidity through additional market making, more competitive quotes, and greater price improvement. Additionally, the Exchange believes that eliminating disparate treatment of Structured Products for net capital purposes will not impose any burden on competition because DMM units registered in Structured Products and DMM units registered in other securities will be required to meet the same minimum net capital standard.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[26] and Rule 19b–

[20] Rule 123D(4)—Equities defines ''Structured Products'' as ''securities listed pursuant to Sections 104 (Bonds and Debentures), 106 (Currency and Index Warrants), or 107 (Other Securities) of the Company Guide or pursuant to Rules 1000–AEMI and 1001 *et seq.* (Portfolio Depositary Receipts), 1000A–AEMI and 1001A *et seq.* (Index Fund Shares), 1000B et seq. (Managed Fund Shares), 1200–AEMI and 1201 *et seq.* (Trading of Trust Issued Receipts), 1200A–AEMI and 1201A *et seq.* (Commodity-Based Trust Shares), 1400 *et seq.* (Trading of Paired Trust Shares), 1500–AEMI and 1501 *et seq.* (Trading of Partnership Units), or 1600 *et seq.* (Trading of Trust Units).'' ETPs fall within the definition of Structured Products.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78k–1(a)(1).

[24] 15 U.S.C. 78*l*(f).

[25] Additionally, the Exchange notes that the net capital requirements of Rule 103—Equities are in addition to the net capital requirements applicable to all broker-dealers pursuant Rule 15c3–1, promulgated under the Act.

[26] 15 U.S.C. 78s(b)(3)(A).

4(f)(6) thereunder.[27] Because the proposed rule change does not (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[28]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[29] of the Act to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2014–32 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2014–32. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2014–32 and should be submitted on or before May 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09076 Filed 4–21–14; 8:45 am]

BILLING CODE 8011–01–P

[27] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[28] 17 CFR 240.19b–4(f)(6).

[29] 15 U.S.C. 78s(b)(2)(B).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71953; File No. SR–BOX–2014–14]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 7130 (Execution and Price/Time Priority) To Include Public Customer Bid/Ask Volume Information in BOX's Proprietary High Speed Vendor Feed (''HSVF'')

April 16, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 4, 2014, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7130 (Execution and Price/Time Priority) to include Public Customer bid/ask volume information in BOX's proprietary High Speed Vendor Feed (''HSVF''). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 7130 (a)(2) (Execution and Price/Time Priority) to specify the addition of Public Customer bid/ask volume information in the BOX High Speed Vendor Feed (''HSVF''). Specifically, the new field will show Public Customer bid/ask volume at the best limit. The HSVF is a proprietary product that contains: (i) Trades and trade cancelation information; (ii) best-ranked price level to buy and the best-ranked price level to sell; (iii) instrument summaries (including information such as high, low, and last trade price and traded volume); (iv) the five best limit prices and the best-ranked Legging Order[3] (if any), for each option instrument, and the five best limit prices and the best-ranked Implied Order[4] (if any), for each Complex Order Strategy; (v) request for Quote

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As set forth in Exchange Rule 7240(c)(1).

[4] As set forth in Exchange Rule 7240(d)(1).

messages [5]; (vi) PIP Order, COPIP Order, Improvement Order and Block Trade Order (Facilitation and Solicitation) information [6]; (vii) orders exposed at NBBO [7] and Complex Orders exposed [8]; (viii) instrument dictionary (*e.g.,* strike price, expiration date, underlying symbol, price threshold, and minimum trading increment for instruments traded on BOX); (ix) options class and instrument status change notices (*e.g.,* whether an instrument or class is in pre-opening, continuous trading, closed, halted, or prohibited from trading); and (x) options class opening time. The HSVF is available to all market participants at no cost.

The HSVF provides data to enhance the ability of subscribers to analyze market conditions and to create and test trading models and analytical strategies. The Exchange believes that the HSVF is a valuable tool that can be used to gain comprehensive insight into the trading activity in a particular option series. The addition of Public Customer bid/ask volume information will further increase the value of this tool by allowing market participants to better gauge Public Customer interest. If no Public Customer orders are present at the best limit, then the bid/ask volume will show 0 (zero). The new field will show the bid/ask volume at the best limit for both regular options and strategy instruments.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[9] in general, and Section 6(b)(5) of the Act,[10] in particular, in that the HSVF is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general protect investors and the public interest, by including additional information in BOX's market data product. In particular, the HSVF product will now include Public Customer bid/ask volume information. The Exchange believes provides for a more free and open market [sic]. Additionally, this proposed change will enhance subscribers' ability to make more informed and timely trading decisions. As such, BOX believes the proposed rule change is in the public interest, and therefore, consistent with the Act.

In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposal is in keeping with those principles by promoting increased transparency through the dissemination of more useful proprietary data.

Additionally, the Exchange chooses to make the data available as proposed in order to improve market quality, to attract order flow, and to increase transparency. The Exchange will continue making the data available until such time as the Exchange changes its rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change would allow the Exchange to disseminate additional information in its propriety market data product, the HSVF. This enhancement to the HSVF will give market participants greater information on which to base their trading strategies. As such, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A) of the Act [11] and paragraph (f)(6) of Rule 19b–4 thereunder,[12] in that the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2014–14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2014–14. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

[5] *See* Exchange Rules 100(a)(57), 7070(h) and 8050.

[6] As set forth in Exchange Rules 7150, 7245, and 7270, respectively.

[7] As set forth in Exchange Rules 7130(b)(3) and 8040(d)(6), respectively.

[8] As set forth in Exchange Rule 7240(b)(3)(iii)(B).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] The Exchange has fulfilled this requirement.

available for Web site viewing and printing in the Commission's Public Reference Room, on official business days between the hours of 10:00 a.m. and 3:00 p.m., located at 100 F Street NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2014–14 and should be submitted on or before May 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09077 Filed 4–21–14; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71957; File No. SR–NYSEMKT–2014–06]

Self-Regulatory Organizations; NYSE MKT LLC; Order Granting Approval of a Proposed Rule Change Amending Section 17, Which Are Rules Applicable to Securities Known as Fixed Return Options, To Reflect a Name Change to Binary Return Derivatives, a Change to the Calculation of the Settlement Price, Updating Rule References, Adding New Text for ByRDs Series Available for Trading, Amending the Quoting and Trading Increment Applicable to ByRDs, and Adding a New Paragraph 8 to Rule 975NY(a) and Amending Rule 975NY(d)(1) To Address Obvious Errors in ByRDs

April 16, 2014.

I. Introduction

On February 14, 2014, NYSE MKT LLC (''NYSE MKT'' or the ''Exchange'') 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 amend Section 17 of the NYSE MKT rulebook, which are rules applicable to securities known as Fixed Return Options, to reflect a name change to Binary Return Derivatives (''ByRDs''), a change to the calculation of the settlement price, updating rule references, adding new text for ByRDs series available for trading, amending the quoting and trading increment applicable to ByRDs, and amending Rule 975NY to address obvious and catastrophic errors in ByRDs. The proposed rule change was published for comment in the **Federal Register** on March 3, 2014.[3] The Commission received no comment letters on the proposal. This order approves the proposed rule change.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Description of the Proposal

A. ByRDs

NYSE MKT proposes to amend Section 17 of its rulebook, which contains the rules applicable to securities known as Fixed Return Options (''FROs''), to reflect a name change to Binary Return Derivatives (''ByRDs''). On August 14, 2007, the Commission approved the Exchange's proposed rule change to list and trade cash-settled, European-style FROs on individual stocks and exchange-traded funds.[4] FROs are binary options, and differ from other options traded on U.S. options exchanges by providing a discontinuous or non-linear payout.[5] In-the-money FROs pay a fixed sum at expiration regardless of the magnitude of the difference between the options' exercise price and the settlement price. ''Finish High'' FROs return $100 per contract if the settlement price of the underlying security is above the strike price at expiration, and ''Finish Low'' FROs return $100 per contract if the settlement price of the underlying security is below the strike price at expiration. Any in-the-money FROs are exercised automatically at expiration.[6]

In March 2009, the Exchange migrated to a new trading system as part of its integration with NYSE Euronext. Because the new trading system was not optimized to accommodate the trading of FROs, the Exchange restricted the opening of new series of FROs and limited transactions to closing only.[7] All open interest in FROs was subsequently either closed or expired and the contracts became dormant.[8] NYSE MKT now proposes to re-launch and rename these securities as ByRDs, which will be available for both electronic and floor trading. With the exception of the proposed rule changes described herein, the rules pertaining to FROs will continue to apply to ByRDs.

B. Renaming and Renumbering of Existing Rules and Clarifying Changes

NYSE MKT proposes to change the title of Section 17 from ''Fixed Return Options'' to ''Binary Return Derivatives'', and replace the terms ''Fixed Return Options'' or ''FROs'' in the existing rule text with the terms ''Binary Return Derivatives'' or ''ByRDs.''[9]

The Exchange is proposing to clarify Rule 900FRO, Applicability; Definitions (which is being retitled as ''Rule 900ByRDs''),[10] by amending the rule to state that unless specific rules in Section 17 govern, or unless the context otherwise requires, the Rule 900NY series of rules shall be applicable to the trading of ByRDs. This proposed rule change reflects the adoption of the Rule 900NY series of rules, which govern trading of options contracts on the Exchange, and which replaced the rules in place prior to March 2009 that previously governed the trading of FROs. The Exchange is also proposing to amend Rule 901FRO, Fixed Return Options Contracts to be Traded (which is proposed to be retitled as ''Rule 901ByRDs''), to state that ByRDs contracts shall be designated as to expiration date (day, month, and year), rather than just expiration month and year. The Exchange also has proposed technical, non-substantive changes to Rule 462(d).10, Minimum Margins, and Rule 904BIN, Position Limits, to update references to Fixed Return Options (FROs) to Binary Return Derivatives (ByRDs).[11]

The Exchange proposes to delete Rule 918FRO, Trading Rotations, Halts and Suspensions, because it contains a reference to Rule 918, which has been deleted from the Exchange's rulebook. Rule 918 has been replaced by the rules in Section 900NY, which are applicable to the trading of ByRDs.[12]

The Exchange also proposes technical changes to Rule 980FRO, Automatic Exercise of Fixed Return Option Contracts (which is proposed to be retitled as ''Rule 980ByRDs'') to capitalize the defined term ''Settlement

[3] *See* Securities Exchange Act Release No. 71613 (February 25, 2014), 79 FR 11845 (March 3, 2014) (''Notice'').

[4] *See* Securities Exchange Act Release No. 56251 (August 14, 2007), 72 FR 46523 (August 20, 2007) (''FROs Approval Order'').

[5] *See* FROs Approval Order, *supra* note 4, at 46523.

[6] *See* FROs Approval Order, *supra* note 4, at 46523.

[7] *See* Notice, *supra* note 3, at 11845.

[8] *See* Notice, *supra* note 3, at 11845.

[9] *See* Notice, *supra* note 3, at 11846.

[10] The Exchange is proposing to change all references to Fixed Return Options/FROs in the title and text of the Rule 900FRO series to Binary Return Derivatives/ByRDs.

[11] *See* Notice, *supra* note 3, at 11846.

[12] *See* Notice, *supra* note 3, at 11847.

Price.'' [13] Additionally, the Exchange is proposing to amend Rule 904FRO, Position Limits, (which is proposed to be retitled as ''Rule 904ByRDs'') by replacing the term ''underlying stock or Exchange-Traded Fund share'' with the term ''underlying security.'' This will ensure that Rule 904ByRDs is consistent with Rule 903FRO, Series of FROs Open for Trading (which is proposed to be retitled as ''Rule 903ByRDs''), and other rule text, which generally refer to underlying ''securities'' when discussing options.[14]

C. Series of ByRDs Open for Trading

NYSE MKT proposes to adopt three new paragraphs within Rule 903FRO (which is proposed to be retitled as ''Rule 903ByRDs'') to specify which series of ByRDs option contracts the Exchange may open for trading and the permissible strike price intervals. Proposed Rule 903ByRDs(a) specifies that, except for consecutive week expiration series, at the commencement of trading on the Exchange for a particular class of ByRDs, the Exchange shall open a minimum of one expiration month for each class of ByRDs open for trading on the Exchange. Proposed Rule 903ByRDs(b) provides that consecutive week expiration series expire at the end of the week, normally a Friday, with consecutive week expirations covering the next five calendar weeks. New expiration week series will be added for trading on Thursday each week, unless Friday is an Exchange holiday, in which case new expiration series would be added for trading on Wednesday. Proposed Rule 903ByRDs(c) provides that the strike price interval for ByRDs contracts will be $1 for strike prices between $3 and $200, and $5 for strike prices over $200. Proposed Rule 903ByRDs(c) also states that the Exchange will initially list series that are no more than 30% away from the price of the underlying security, and that the Exchange may list additional series if the furthest out of the money strike is less than 10% out of the money. At such time, the Exchange could list additional series that are not more than 30% away from the price of the underlying security.[15]

D. Settlement Price

NYSE MKT proposes to add new Commentary .02 to Rule 910FRO, Determination of the Settlement Price (which is proposed to be retitled as ''Rule 910ByRDs''), to provide that the settlement price will be calculated such that it will always round up $.01 in those instances when the settlement price [16] exactly equals an expiring strike price. For example, if the calculated settlement price is $20.00, and there are expiring ByRDs Finish High and Finish Low contracts with a strike price of $20.00, the settlement price will be rounded up to $20.01 so that the Finish High options will pay off. The effect of rounding will be to have long $20.00 strike Finish High holders receiving $100.00 and long $20.00 strike Finish Low holders receiving $0. Under NYSE MKT's current rules, it is possible for an investor to hold a position that appears to guarantee a pay off at $100.00 at expiration, but that instead pays $0. For example, if an investor holds both a $20.00 strike Finish High contract and a $20.00 strike Finish Low contract, the investor would receive $0 if the settlement price was calculated to exactly equal the $20.00 strike price. The proposed rule change will avoid a situation where neither the Finish High nor the Finish Low ByRDs contract pays off at expiration.[17]

E. Underlying Securities

NYSE MKT proposes to amend Commentary .02 to Rule 915FRO, Criteria for Underlying Securities (which is proposed to be retitled as ''Rule 915ByRDs''), to include Section 107 securities [18] as eligible underlying securities upon which ByRDs contracts may be listed. The Exchange also proposes to amend Commentary .03 to Rule 916FRO, Withdrawal of Approval of Underlying Securities (which is proposed to be retitled as ''Rule 916ByRDs''), which describes the criteria necessary for the continued approval to introduce new series of ByRDs for trading, to include Section 107 Securities.

F. Minimum Price Variations

In approving the trading and listing of FROs, the Commission approved a minimum price variation (''MPV'') for FROs in classes not included in the Penny Quoting Pilot Program of $0.05, and $0.01 for classes in the Penny Quoting Pilot Program.[19] The Exchange now proposes to amend Rule 951FRO, Premium Bids and Offers (which is proposed to be retitled as ''Rule 951ByRDs''), to state that the MPV for quoting and trading of ByRDs contracts will be $0.01 for all series. NYSE MKT is also proposing to delete an obsolete rule reference in proposed Rule 951ByRDs to NYSE MKT Rule 951.[20]

G. Bid-Ask Differentials

NYSE MKT is not proposing to change market makers' quoting obligations for ByRDs; however, the Exchange is proposing to delete a provision in Rule 958FRO, Maximum Bid-Ask Differentials (which is proposed to be retitled as ''Rule 958ByRDs''), that provides that in the event the bid-ask differential in the underlying security is greater than the bid-ask differential described in Rule 958FRO,[21] the permissible price differential for any in-the-money series may be identical to that in the underlying security market.[22] In addition, the Exchange proposes to delete an obsolete reference in proposed Rule 958ByRDs to Rule 958.

H. Obvious Errors and Catastrophic Errors

NYSE MKT proposes to revise Rule 975NY, Obvious Errors and Catastrophic Errors, to include a new subsection (a)(8) that addresses the handling of transactions in ByRDs option contracts that are subject to the Obvious Error provisions of Rule 975NY. Proposed Rule 975NY(a)(8) provides that any transaction in a ByRDs contract that is higher or lower than the Theoretical Price by $0.25 or more shall be deemed an obvious error, subject to the adjustment procedures of Rule 975NY(a)(3), unless such adjustment would result in a price higher than $1.02, in which case the adjustment price shall be $1.02.[23] The Exchange also proposes to amend Rule 975NY(a)(1) to add a reference to proposed paragraph (a)(8).

The Exchange also proposes to amend paragraph (d)(1) of Rule 975NY to state

[13] *See* Notice, *supra* note 3, at 11847.

[14] *See* Notice, *supra* note 3, at 11846.

[15] *See* Notice, *supra* note 3, at 11846.

[16] NYSE MKT calculates settlement price based upon an all-day volume weighted average price that is based on trading in the underlying security on the last trading day prior to expiration. NYSE MKT uses composite prices during regular trading hours as reported by industry price vendors. *See* Rule 900FRO/proposed Rule 900ByRDs(b)(4)–(5); *see also* FROs Approval Order, *supra* note 4, at 46523.

[17] *See* Notice, *supra* note 3, at 11846–47.

[18] Section 107 Securities include Index-Linked Securities, Commodity-Linked Securities, Currency-Linked Securities, Fixed Income-Linked Securities, Futures-Linked Securities, and Combination-Linked Securities. *See* NYSE MKT Rule 915, Commentary .11.

[19] *See* FROs Approval Order, *supra* note 4, at 45624.

[20] *See* Notice, *supra* note 3, at 11847.

[21] Rule 958FRO/proposed Rule 958ByRDs provides that a market maker must bid and offer so as to create differences of no more than $0.25 between the bid and offer for each ByRDs contract except during the business day of the expiration, or, in the case of an option contract expiring on a day that is not a business day, during the business day prior to expiration where the maximum permissible price differential for ByRDs may be $0.50. *See* Rule 958FRO/proposed Rule 958ByRDs.

[22] *See* Notice, *supra* note 3, at 11847.

[23] *See* Notice, *supra* note 3, at 11847.

that transactions in ByRDs contracts over $1.02 shall qualify as catastrophic errors if participants request a review under the existing provisions of paragraph (d)(3)(A). Transactions in ByRDs contracts that qualify as catastrophic errors will be adjusted in accordance with the procedures of proposed subsection (i) of paragraph (d)(3)(C), which states that any catastrophic error in ByRDs contracts will result in an adjustment to $1.02 unless the parties mutually agree to nullify the transaction or agree to a different adjustment price.[24]

III. Discussion and Commission Findings

After careful consideration of the proposal, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,[25] and, in particular, the requirements of Section 6 of the Act.[26] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[27] which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest. The Commission believes that allowing the Exchange to relaunch FROs for listing and trading as ByRDs may provide investors with a useful investment choice. The proposal should ensure that these binary options would continue to receive the benefits of trading on an exchange, which include: A centralized forum for price discovery; pre- and post-trade transparency; standardized contract specifications; and the guarantee of the Options Clearing Corporation (''OCC'').

The Commission believes that replacing the references in Section 17 of NYSE MKT's rules to Fixed Return Options and/or FROs to Binary Return Derivatives and/or ByRDs may remove impediments to and perfect the mechanism of a free and open market by making the rule text consistent with the new name of the options product. The Commission also believes that the proposed clarifying changes and the deletions of obsolete rule references may reduce potential investor confusion, and protect investors and the public interest.

The Commission believes that permitting the Exchange to list and trade consecutive week expiration series may provide market participants an investment vehicle that may be more useful for short-term strategies than cycle month series. In addition, the Commission believes that the proposal to include additional eligible underlying securities upon which ByRDs contracts may be listed, the proposed strike price intervals, and the MPV for quoting and trading all ByRDs contracts series are reasonable and consistent with the Act.

The Commission believes that the proposal to calculate the settlement price to always round up $0.01 in instances when the settlement price exactly equals an expiring ByRDs option strike price is reasonable and may perfect the mechanism of a free and open market. In addition, the proposed change may protect investors and reduce potential confusion by providing certainty that either the Finish High or Finish Low ByRDs option contracts will pay off at expiration.

The Commission believes that the proposed changes to the obvious and catastrophic error rule, Rule 975NY, are consistent with the Act as they would protect investors and the public interest by providing certainty about how obvious and catastrophic errors in ByRDs would be treated. The Commission notes that the new provisions in the obvious and catastrophic error rule describe how to determine whether transactions in ByRDs contracts should be treated as errors, and if so, how they should be adjusted and the maximum adjustment price for such errors. The new provisions still require that the transactions be erroneous, as provided in Rule 975NY, and set forth specific criteria and procedures for the handling of such errors. The Commission emphasizes the importance of specific and objective criteria to determine how and when to adjust transactions involving obvious or catastrophic errors to provide certainty to market participants and to reduce confusion. Therefore, the Commission believes that the proposed changes to Rule 975NY are appropriate.

In approving this proposal, the Commission has relied on the following representations made by NYSE MKT: (i) The Exchange systems have the functionality to support the trading of ByRDs; (ii) the Exchange and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle additional traffic associated with the re-listing and trading of ByRDs contracts; (iii) the Exchange has discussed the proposed listing and trading of ByRDs contracts with the OCC, which has represented that it is able to accommodate the clearing and settlement of ByRDs contracts; and (iv) the Exchange will monitor any increased trading volume associated with the listing of new series of ByRDs and will analyze the effect, if any, that the additional volume has on the capacity of the Exchange's, OPRA's, and the OCC's automated systems.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[28] that the proposed rule change (SR–NYSEMKT–2014–06), be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Kevin M. O'Neill,

Deputy Secretary.

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[24] *See* Notice, *supra* note 3, at 11847.

[25] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[26] 15 U.S.C. 78f.

[27] 15 U.S.C. 78f(b)(5).

[28] 15 U.S.C. 78s(b)(2).

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71956; File No. SR–BX–2014–018]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing of Proposed Rule Change To Amend the Fee Schedule Under Exchange Rule 7018(a) With Respect to Transactions in Securities Priced at $1 per Share or More

April 16, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 8, 2014, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fee schedule under Exchange Rule 7018(a) with respect to transactions in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

securities priced at $1 per share or more.

The text of the proposed rule change is also available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing several changes to its fees and rebates applicable to transactions in securities priced at $1 or more under BX Rule 7018(a).

First, the Exchange proposes to introduce a new credit for an order entered by a member that accesses liquidity equal to or exceeding 0.1% of total consolidated volume per month. BX will provide such firms $0.0015 per share executed for liquidity accessing orders.

Next, the Exchange proposes to amend the criteria by which it provides a credit of $0.0013 per share executed for liquidity accessing orders (excluding orders executing against the midpoint). Previously, this rate was available to a member (i) With an average daily volume of liquidity accessed in all securities during the month of 6 million or more shares through one or more BX Equities System MPIDs, provide [sic], however, that (ii) the member adds and/or removes liquidity of 30,000 or more contracts per day during the month through BX Options with an average daily volume of liquidity provided in all securities during the month of 1 million or more shares.

The Exchange proposes to amend the criteria by which it provides a credit of $0.0011 per share executed for liquidity accessing orders (excluding orders executing against the midpoint). Previously, this rate was available to a BX Equities System MPID through which the member provides an average daily volume of at least 25,000, but less than 1 million, shares of liquidity during the month. BX proposes to make this credit available to members that provide an average daily volume of at least 25,000, but less than 1 million, shares of liquidity during the month.

In BX Rule 7018(a) the term ''Qualified Liquidity Provider'' will be replaced with ''Qualified Market Maker'' (''QMM'') and both of these sub-sections will clarify that for members that qualify under these sub-sections, the member must have at least one Qualified MPID, respectively. There will now be two tiers available for the QMM, Tier 1 and Tier 2. Tier 1 will be achieved by the methods currently outlined in BX Rule 7018(a)(1) and (2). The Exchange proposes that a firm may become a Qualified Market Maker (Tier 2) by having at least one Qualified MPID, that is, an MPID through which, for at least 300 securities, the Qualified Market Maker quotes at the NBBO an average of at least 75% of the time during the regular market hours (9:30 a.m. through 4:00 p.m. during the month.

The Exchange proposes that the charge of $0.0014 per share executed for a displayed order entered by a Qualified Liquidity Provider through a Qualified MPID remains the same, but that it now applies to a Qualified Market Maker (Tier 1) and no longer must go through a Qualified MPID.

Additionally, the Exchange proposes that a new charge of $0.0017 per share executed will be added for a displayed order entered by a QMM (Tier 2).

The Exchange also proposes that the charge of $0.0016 per share executed for a displayed order entered by a member (i) with a daily average volume of liquidity provided in all securities during the month of 2 million or more shares through one or more BX Equities System MPIDs, and (ii) that adds BX Options Market Maker volume under Chapter XV of BX Options rules of 20,000 or more contracts per day during the month, be replaced with a charge for a displayed order entered by a member that adds liquidity equal to or exceeding $0.25% of total consolidated volume during a month of $0.00165 per share executed.

As for a displayed order entered through a NASDAQ OMX BX Equities System MPID through which a member provides an average daily volume of 4 million or more shares of liquidity during the month, the Exchange proposes that the current charge of $0.0018 per share executed now applies to a displayed order by a member that provides an average daily volume of 2.5 million or more shares of liquidity during the month.

Next, the Exchange proposes that the charge for a midpoint pegged order entered by a member that provides an average daily volume of 2 million or more shares of liquidity using midpoint pegged orders during the month be reduced from $0.0010 to $0.0005 per share executed, and that it will now apply to a midpoint pegged order entered by a member that provides an average daily volume of 2 million or more shares of non-displayed liquidity during the month.

The Exchange also proposes that the charge for midpoint pegged order entered by a member that provides an average daily volume of 1 million or more, but less than 2 million, shares of liquidity using midpoint pegged orders during the month be reduced from $0.00125 to $0.0009 per share executed, and that it will now apply to a midpoint pegged order entered by a member that provides an average daily volume of 1 million or more, but less than 2 million shares of non-displayed liquidity.

The Exchange additionally proposes that a new charge for other non-displayed orders (other than those pegged to the midpoint) entered by a member that provides an average daily volume of 5 million or more shares of non-displayed liquidity, that a charge [sic] will be added of $0.0019 per share executed.

Finally, the Exchange also proposes to make several grammatical and conforming changes to BX Rule 7018(a) for the purposes of consistency and clarity.

2. Statutory Basis

BX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[3] in general, and Sections 6(b)(4) and (b)(5) of the Act,[4] in particular, because it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that the Exchange operates or controls, and it does not unfairly discriminate between customers, issuers, brokers or dealers.

At a high level, the changes simplify various aspects of the BX fee schedule to encourage firms to make use of the favorable economics it offers. By [sic] assigning rates to members based on their aggregate activity instead of on an MPID by MPID basis enhances a member's ability to earn certain

[3] 15 U.S.C. 78f.

[4] 15 U.S.C. 78f(b)(4), (5).

proposed rates. By assigning displayed liquidity fees based on the total amount of liquidity provided, firms are more likely to be able to attain trading thresholds to receive superior execution rates. By lowering fees across multiple levels of firm level activity, BX ensures that growth in participation occurs across a broad contingent of Exchange members. In effect, this change lowers prices for BX members.

More specifically, the proposed increase of $0.0013 to $0.0015 per share executed of the credit for an order that accesses liquidity (excluding liquidity pegged to the midpoint) entered by a member that accesses liquidity equal to or exceeding 0.1% of total consolidated volume during a month is consistent with an equitable allocation of fees and is not unfairly discriminatory because it is remains [sic] consistent with the Exchange's approach of providing a credit for orders accessing liquidity, which benefits all market participants, and is applicable to all such orders. Additionally, it is reasonable because it reflects the availability of what is in effect a price reduction for all members that access liquidity in this manner.

The applicability of the credit of $0.0013 per share executed for an order that accesses liquidity (excluding liquidity pegged to the midpoint) entered by a member with a daily average volume of liquidity provided in all securities during the month of 1 million or more shares is consistent with an equitable allocation of fees and is not unfairly discriminatory because it does not change the credit, but simply reduces the requirement of 6 million or more shares through one or more BX Equities System MPIDs, and that adds/or removes liquidity of 30,000 or more contracts per days [sic] during the month through BX Options (excluding any order that executes against a midpoint pegged order) to simply 1 million or more shares. The amount of the credit is not being changed, and is reasonable because it has the potential to reduce aggregate fees while simplifying the process for obtaining that particular rate.

The applicability of the credit of $0.0011 per share executed for an order that accesses liquidity (excluding liquidity pegged to the midpoint) entered by a member that provides an average daily volume of at least 25,000, but less than 1 million, shares of liquidity during the month is consistent with an equitable allocation of fees and is not unfairly discriminatory because it does not change the credit, but simply removes the requirement that the order is entered by a member through a BX Equities System MPID. The amount of the credit is in essence not being changed. As discussed above, the change makes the credit more inclusionary since some firms may have multiple MPIDs.

The applicability of the charge of $0.0014 per share executed for a displayed order entered by a Qualified Market Maker (Tier 1) is consistent with an equitable allocation of fees and is not unfairly discriminatory because it does not change the charge, but merely substitutes ''Qualified Market Maker (Tier 1)'' for ''Qualified Liquidity Provider through a Qualified MPID''. Moreover, this change, much like the others above, make [sic] a more favorable rate available to a member as a whole, and not for just one of its constituent MPIDs. Indeed, this change makes the provision of such a rate less discriminatory.

The new charge of $0.0017 per share executed for a displayed order entered by a Qualified Market Maker (Tier 2) and the introduction of a method for obtaining this status is consistent with an equitable allocation of fees and is not unfairly discriminatory because it expands the eligibility of favorable rates to add liquidity under the QMM program. It is reasonable because the program has proven valuable in improving the quotations of BX, which, in turn, benefits market participants who seek to access liquidity at favorable rates.

The increase to the charge of $0.0016 per share executed for a displayed order entered by a member (i) with a daily average volume of liquidity provided in all securities during the month of 2 million or more shares through one or more BX Equities System MPIDs, and (ii) that adds BX Options Market Maker volume under Chapter XV of BX Options rules of 20,000 or more contracts per day during the month, to a charge of $0.00165 per share executed for a displayed order entered and replaces the above requirement with a requirement that it be by a member that adds liquidity equal to or exceeding 0.25% of total consolidated volume during the month is consistent with an equitable allocation of fees and is not unfairly discriminatory because it only modestly increases the charge by $0.00005 per share executed and the updated requirement applicable to the member entering the displayed order is reasonable because it affects similarly situated members in the same way.

The applicability of the charge of $0.0018 per share executed for a displayed order entered by a member that provides an average daily volume of 2.5 million or more shares of liquidity during the month is consistent with an equitable allocation of fees and is not unfairly discriminatory because it does not change the credit, but simply reduces the number of shares required to reach this level from 4 million to 2.5 million or more shares of liquidity during the month. It is reasonable in that it affects similarly situated members in the same way.

The reduction of the charge from $0.0010 to $0.0005 per share executed for a midpoint pegged order entered by a member that provides an average daily volume of 1 million shares, but less than 2 million shares of non-displayed liquidity (previously, liquidity using midpoint pegged orders) is consistent with an equitable allocation of fees and is not unfairly discriminatory because the Exchange believes that it is appropriate to charge a lower fee to midpoint pegged orders, which provide price improvement. It is also reasonable because it affects similarly situated members in the same way.

The new charge for non-displayed orders (other than those pegged to the midpoint) entered by a member that provides an average daily volume of 5 million or more shares of non-displayed liquidity of $0.0019 per share executed is consistent with an equitable allocation of fees and is not unfairly discriminatory because use of non-displayed orders is wholly voluntary. It is also reasonable because it encourages additional activity from large non-display participants.

The proposed pricing changes are, in part, reflective of BX's ongoing efforts to use responsive pricing to attract orders that BX believes will improve market quality.

Finally, BX notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, BX must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. BX believes that the proposed rule change reflects this competitive environment because it is designed to ensure that the charges and credits for participation on BX reflect changes in the cost of such participation to BX, and its desire to attract order flow that improves the market for all participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not

necessary or appropriate in furtherance of the purposes of the Act, as amended.[5] BX notes that it operates in a highly competitive market in which market participants can readily favor over 40 different competing exchanges and alternative trading systems if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, BX must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, BX believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In this instance, the increases with respect to certain orders coupled with the easier to qualify for pricing tier for members active in the Exchange's cash equities market enhances the Exchange's competitiveness by reducing fees for some and raising fees modestly for others. Moreover, because there are numerous competitive alternatives to the use of the Exchange, it is likely that BX will lose market share as a result of the changes if they are unattractive to market participants. Accordingly, BX does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing change has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and paragraph (f) of Rule 19b–4[7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BX–2014–018 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number *SR–BX–2014–018.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number *SR–BX–2014–018* and should be submitted on or before May 13, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09079 Filed 4–21–14; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78f(b)(8).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

[8] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Docket No: SBA–2014–0004]

Small Business Investment Company (SBIC) Program: SBA Model Form of Agreement of Limited Partnership for an SBIC Issuing Debentures Only

AGENCY: Small Business Administration.

ACTION: Notice; request for comments on SBA Model Form of Agreement of Limited Partnership for an SBIC Issuing Debentures Only.

SUMMARY: The Small Business Administration (SBA) intends to update the SBA Model Form of Agreement of Limited Partnership for an SBIC Issuing Debentures Only (the Model) to conform its contents to current industry norms and practices while maintaining the regulatory and policy provisions necessary to ensure that the Model remains consistent with SBA's requirements and to minimize the risk of loss in the SBIC program. The Agency welcomes comments from the public on how to achieve this objective.

DATES: This notice is effective April 22, 2014.

Comment Date: Comments on the Model must be received on or before June 23, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. SBA–2014–0004, at *www.regulations.gov*. Comments may only be submitted at this web address; follow the instructions on the Web site for submitting comments.

All comments received will be included in the public docket without change and will be available online at *www.regulations.gov.* All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive information and information that you consider to be Confidential Business Information or otherwise protected should not be included. Submissions will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Renee Gordon, Office of General Counsel, 409 Third Street SW., Washington, DC 20416; (202) 401–2744.

SUPPLEMENTARY INFORMATION: The Small Business Investment Company (SBIC) Program is one of the financial assistance programs available through SBA. The SBIC Program was established under the Small Business Investment Act of 1958, as amended. SBICs are privately owned and managed investment funds, licensed and regulated by SBA, that use their own capital plus funds borrowed with an SBA guarantee to make equity and debt investments in qualifying small businesses.

The License Application for a Small Business Investment Company (SBA Form 2183) requires an applicant to submit, among other things, its organizational documents. Since the majority of applicants to the SBIC program are formed as limited partnerships, most applicants submit their limited partnership agreement as part of their application. The original version of the Model was developed in 2000 to assist applicants in producing a limited partnership agreement suitable for an SBIC and to facilitate this process by including provisions required by the regulations governing the SBIC Program (13 CFR Part 107) and other SBA policy requirements designed to minimize the risk of loss to SBA in providing financial assistance to SBICs. The SBA Model Form of Agreement of Limited Partnership for an SBIC Issuing Debentures Only is available at *http://www.sba.gov/content/model-partnership-agreement.* To further assist applicants, the required provisions are shown in the Model in bold Arial typeface. Applicants to the SBIC Program are not required to use the Model and are permitted to submit any form of limited partnership agreement; however, those applicants that do not use the Model must either include in their limited partnership agreement the bold Arial typeface provisions from the Model or attach an annex to their limited partnership agreement with the bold Arial typeface provisions from the Model. As a result, for many applicants, the Model provides an efficient tool in preparing a limited partnership agreement.

Since the Model was developed in 2000, changes have occurred both in the structure and operation of limited partnerships and in the venture capital industry. SBA is soliciting comments and recommendations from the public on updating the Model and will consider such comments when revising it. The SBA will not issue another notice in the **Federal Register** but will post the final revised version of the Model on the SBIC Web site at *http://www.sba.gov/category/lender-navigation/sba-loan-programs/sbic-program-0.*

Authority: 15 U.S.C. 681.

Dated: April 17, 2014.

Javier Saade,

Associate Administrator for Investment and Innovation.

[FR Doc. 2014–09182 Filed 4–21–14; 8:45 am]

BILLING CODE 8025–01–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 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.*

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 23, 2014. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *Statement Regarding Contributions—20 CFR 404.360–404.366 and 404.736–0960–0020.* SSA uses the SSA–783 to collect information regarding a child's current sources of support when determining the child's entitlement to Social Security benefits. We request this information from adults acting on behalf of the child claimants who can provide SSA with any sources of support or substantial contributions for the child. These adults inform the claims representative of these sources and contributions as part of the initial claims process. If the individual capable of providing the information does not accompany the child claimant, we mail the SSA–783 to the individual for completion, or if the person has access to a computer, we will refer them to SSA's Web site where they can download a copy of the form for completion and submission. The respondents are individuals providing information about a child's sources of support.

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–783	30,000	1	17	8,500

2. *Railroad Employment Questionnaire—20CFR 404.1401, 404.1406–404.1408–0960–0078.* Railroad workers, their dependents, or their survivors can concurrently apply for railroad retirement and Social Security benefits at SSA if the number holder, or claimant on the number holder's Social Security number, worked in the railroad industry. SSA uses the SSA–671 to coordinate Social Security claims processing with the Railroad Retirement Board and to determine benefit entitlement and amount. The respondents are Social Security benefit applicants previously employed by a railroad or the dependents of railroad workers.

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–671	125,000	1	5	10,417

II. SSA submitted the information collection below to OMB for clearance. Your comments regarding the information collection 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 22, 2014. Individuals can obtain copies of the OMB clearance package by writing to *OR.Reports.Clearance@ssa.gov*.

Questionnaire About Employment or Self-Employment Outside the United States—20 CFR 404.401(b)(1), 404.415 & 404.417–0960–0050. When a Social Security beneficiary or claimant reports work outside the United States, SSA uses Form SSA–7163 to determine if foreign work deductions are applicable. Specifically, SSA uses Form SSA–7163 to determine: (1) whether work performed by beneficiaries outside the United States is cause for deductions from their monthly benefits; (2) which of two work tests (foreign or regular test) is applicable; and (3) the number of months, if any, for SSA-imposed deductions. As the respondents are beneficiaries living and working outside the United States, SSA must determine whether the annual earnings test applies to all earnings from work covered by the Social Security Act, including earnings from covered work performed outside the United States. However, because of the differences in foreign currency values, it is administratively impractical to apply this test to earnings from non-covered work performed outside the United States and base it on United States dollars. Accordingly, the 45-hour work test provides for deductions from the benefits of employees under full retirement age who engage in non-covered remunerative activity for more than 45 hours in a calendar month. SSA asks beneficiaries working outside the United States to complete this form annually or every other year (depending on the country of residence). Respondents are beneficiaries or claimants for Social Security benefits who are engaged in work outside the United States.

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–7163	20,000	1	12	4,000

Dated: April 17, 2014.

Faye Lipsky,

Reports Clearance Director, Social Security Administration.

[FR Doc. 2014–09095 Filed 4–21–14; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 8706]

Certifications Pursuant to Section 609 of Public Law 101–162; Correction

AGENCY: Department of State.

ACTION: Notice 8682; Correction.

SUMMARY: The Department of State published a document in the **Federal Register** of Monday, April 7, 2014 concerning certifications pursuant to Section 609 of Public Law 101–162. The document contained two incorrect references to the royal red shrimp (Menopenaeus robustus) rather than the Mediterranean red shrimp (*Aristeus antennatus*).

FOR FURTHER INFORMATION CONTACT: Stephen J. Wilger, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520–7818; telephone: (202) 647–3263; email: *wilgersj2@state.gov.*

Correction

In the **Federal Register** of Monday, April 7, 2014, in FR Vol. 79, No. 66, p 19166, in the first sentence of the summary (the first paragraph of the second column), correct the sentence to read: The Department of State, in consultation with the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS), determined that Mediterranean red shrimp (*Aristeus antennatus*) harvested in the Mediterranean Sea may be imported into the United States from Spain pursuant to Section 609 of Public Law 101–162. In the first sentence of the fourth paragraph of the third column, correct the sentence to read: The Department of State has consulted with NMFS and determined that imports of Mediterranean red shrimp (*Aristeus antennatus*) from the Spanish Mediterranean shrimp trawl fleet may be imported into the United States pursuant to the Section I(B)(d) of the Department's implementing guidelines.

Dated: April 8, 2014.

David A. Balton,

Deputy Assistant Secretary of State for Oceans and Fisheries, Department of State.

[FR Doc. 2014–09171 Filed 4–21–14; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice 8705]

Culturally Significant Objects Imported for Exhibition; Determinations: ''Turner & the Sea''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000, I hereby determine that the objects to be included in the exhibition ''Turner &

the Sea,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Peabody Essex Museum, Salem, Massachusetts, from on or about May 31, 2014, until on or about September 1, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: April 15, 2014.

Evan Ryan,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–09127 Filed 4–21–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8704]

Call for Expert Reviewers to the U.S. Government Review of the Synthesis Report (SYR) of the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC)

SUMMARY: The United States Global Change Research Program, in cooperation with the Department of State, request expert review of the Intergovernmental Panel on Climate Change (IPCC) Second Order Draft (SOD) Synthesis Report (SYR) of the Fifth Assessment (AR5). More information on the report can be found at *http://www.ipcc-syr.nl/.*

The United Nations Environment Programme (UNEP) (*http://www.unep.org/*) and the World Meteorological Organization (WMO) (*http://www.wmo.int/pages/index_en.html*) established the IPCC in 1988. In accordance with its mandate and as reaffirmed in various decisions by the Panel, the major activity of the IPCC is to prepare comprehensive and up-to-date assessments of policy-relevant scientific, technical, and socio-economic information for understanding the scientific basis of climate change, potential impacts, and options for mitigation and adaptation. The IPCC develops a comprehensive assessment spanning all the above topics approximately every six years.

The First Assessment Report was completed in 1990, the Second Assessment Report in 1995, the Third Assessment Report in 2001, and the Fourth Assessment in 2007. Three working group volumes and a synthesis report comprise the Fifth Assessment Report. Working Group I assesses the scientific aspects of the climate system and climate change; Working Group II assesses the vulnerability of socio-economic and natural systems to climate change, potential negative and positive consequences, and options for adapting to it; and Working Group III assesses options for limiting greenhouse gas emissions and otherwise mitigating climate change. The Synthesis Report (SYR) synthesizes and integrates material contained with IPCC Assessment Reports and Special Reports. The SYR is to be based exclusively on material contained in the three Working Group Reports and Special Reports produced during the 5th or previous Assessment Cycles. The SYR is to be written in language accessible to non-technical users and guide readers to underlying materials if they wish to explore topics in greater depth.

Procedures for the IPCC and its preparation of reports can be found at the following Web sites: *http://www.ipcc.ch/organization/organization_review.shtml -.UEY0LqSe7x8 http://ipcc.ch/organization/organization_procedures.shtml.*

In October 2010, the IPCC approved the outline for the SYR of AR5 (*http://www.ipcc.ch/meetings/session32/syr_final_scoping_document.pdf*). Authors were nominated and selected in March of 2012. All IPCC reports go through two broad reviews: a first-order draft reviewed by experts, and a second-order draft reviewed by both experts and governments. The SOD of the SYR for the AR5 will be available for review beginning on 21 April 2014. As part of the U.S. Government Review of the SOD of the SYR for the AR5, the U.S. Government is soliciting comments from experts in relevant fields of expertise.

Experts may now register to review the draft report at: *http://review.globalchange.gov;* the report will be available for download once it is released on 21 April 2014. To be considered for inclusion in the U.S. Government submission, comments must be received by 5PM EDT Monday, 19 May 2014. The United States Global Change Research Program will coordinate collection and compilation of U.S. expert comments and the review of the report by a Review Committee of Federal scientists and program managers in order to develop a consolidated U.S. Government submission, which will be provided to the IPCC by 13 June 2014. Instructions for registering as a reviewer, the process of the review itself and details on how to submit comments, as well as the SOD of the report will be available at: *http://review.globalchange.gov.* Experts may choose to provide comments directly through the IPCC's expert review process, which occurs in parallel with the U.S. government & expert review.

More information on the IPCC's comment process may be found at *http://www.ipcc.ch/activities/activities.shtml* and *http://www.ipcc.ch/pdf/ar5/review_of_wg_contributions.pdf.*

To avoid duplication, those participating in the U.S. Government & Expert Review process (via *http://review.globalchange.gov*) should not also participate in the Expert Review process that submits comments directly to the IPCC Secretariat.

Comments to the U.S. government review should be submitted using the web-based system at: *http://review.globalchange.gov.* This certification will be published in the **Federal Register**.

Trigg Talley,

Deputy Special Envoy for Climate Change, IPCC Focal Point for the United States, Department of State.

[FR Doc. 2014–09126 Filed 4–21–14; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0027]

Hours of Service of Drivers: Application for Renewal of Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of application for exemption renewal.

SUMMARY: FMCSA announces its decision to grant RockTenn's request for a renewal of its exemption from the hours-of-service (HOS) regulation that prohibits drivers from operating property-carrying commercial motor vehicles (CMVs) after the 14th hour after coming on duty. FMCSA renews this limited exemption for RockTenn's shipping department employees and

occasional substitute commercial driver's license (CDL) holders who transport paper mill products short distances between its shipping and receiving locations on a public road. The exemption is restricted to a specific 275 foot route in Chattanooga, Tennessee. This exemption will allow these individuals to occasionally work up to 16 consecutive hours and be allowed to return to work with less than the mandatory 10 consecutive hours off duty.

DATES: This exemption is effective from April 17, 2014 (12:01 a.m.), through April 16, 2016 (11:59 p.m.).

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division, Office of Carrier, Driver and Vehicle Safety Standards, Telephone: 202–366–4325. Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from many of the safety regulations, including the HOS requirements in 49 CFR part 395, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved absent such exemption'' (49 CFR 381.305(a)).

Request for Exemption

Under 49 CFR 395.3(a)(2), a property-carrying CMV driver is prohibited from operating a CMV on a public road after the end of the 14th hour after coming on duty following 10 or more consecutive hours off duty.

The initial RockTenn exemption application for relief from the HOS rule was submitted in 2009; a copy of the application is in the docket. That application fully described the nature of shipping operations encountered by CMV drivers employed by RockTenn. On April 17, 2012, the Agency granted RockTenn's current exemption from the HOS regulation that prohibits drivers from operating property-carrying commercial motor vehicles (CMVs) after the 14th hour after coming on duty. That exemption expires on April 16, 2014.

RockTenn operates a paper mill located in Chattanooga, Tennessee, its principal place of business. Its shipping and receiving departments are on opposite sides of the paper mill, requiring driver-employees to travel on a public road to shuttle trailers as needed. These drivers utilize a public road—Compress Street—an average of forty times per day to travel between RockTenn's manufacturing facility, and shipping and receiving docks. These drivers do not transport any material farther than the paper mill lots and/or Compress Street. The distance traveled on Compress Street is approximately 275 feet in one direction, and one tractor is used to perform this work.

RockTenn's shipping department currently works 12-hour shifts for 4 days, and then allows employees 4 days off duty. The schedule is subject to change. Usually there are two shipping department employees on each shift. One employee drives a fork-lift truck loading trailers with finished goods, and the other operates the tractor shuttling trailers. These employees do not drive a CMV continuously during their shift(s).

At times, RockTenn may operate on three 8-hour shifts with employees working a double (16-hour) shift when ''rotating back.'' According to RockTenn, the problem arises because of the double-shift, and also on occasion when a shipping department driver does not report for work as scheduled. On a Monday, for example, if an individual worked the weekend, his or her shift would normally have to ''hurry back'' within 8 hours. As a result of the mandatory 10 hours off-duty requirement for drivers, without the exemption RockTenn would be required to schedule these drivers' shifts to start later than other employees. This would create at least 2 hours when the company cannot load or transport trailers with finished goods due to the absence of the drivers. Furthermore, as a result of the 14-hour driving window, they would ''work short'' without the exemption, creating on-time delivery issues for other employees, who are allowed to work an entire ''double shift'' (16 hours) when necessary.

RockTenn requested a limited exemption from 49 CFR part 395 for its shipping department CMV drivers, as well as others with a valid CDL who on occasion must substitute, allowing all such drivers to drive as late as the 16th hour since coming on duty and return to work with a minimum of at least 8 hours off duty. If exempt from the normal HOS requirements, these employees could follow the same work schedule as other RockTenn employees on their shift, and would be able to work for the full 16 hours of a ''double shift.'' RockTenn could therefore minimize the chances of delayed shipments that might occur if their drivers were not allowed to work the same schedule as other employees.

RockTenn acknowledged in its application that these drivers would still be subject to all of the other FMCSRs, including possessing a CDL, random drug testing, medical certification, and other driver-qualification requirements.

A copy of RockTenn's application for exemption renewal is available for review in the docket for this notice.

Comments

On January 29, 2014 (79 FR 4802), FMCSA published notice of this application, and asked for public comment. The Agency received one comment. The commenter recommended that the exemption not be granted but did not provide a substantive basis for the recommendation.

FMCSA Decision

The FMCSA has evaluated RockTenn's application for exemption and the public comment. The Agency believes that RockTenn's overall safety performance as reflected in its ''satisfactory'' safety rating, as well as a number of other factors discussed below, will likely enable it to achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption (49 CFR 381.305(a)).

This exemption is being renewed under extremely narrow conditions. The exemption is restricted to CDL holders employed by RockTenn who are exclusively assigned to a specific route. This route is entirely on one street (Compress Street), between the shipping and receiving departments—approximately 275 feet in one direction. The CMVs operated by RockTenn's shipping department shuttle drivers will be exposed to travel on a public road for only very brief periods of time. Although two crashes were reported for two drivers of RockTenn's locations in Alabama and Kentucky RockTenn has experienced no crashes or other safety issues as a result of CMV operations conducted under its current exemption, which has been in effect since April 17, 2012.

The exemption enables RockTenn's shipping department employees and occasional substitute CDL holders who transport paper mill products between the shipping and receiving locations to work up to 16 consecutive hours in a duty period and return to work with a minimum of at least 8 hours off duty when necessary. This is comparable to current HOS regulations that allow certain ''short-haul'' drivers a 16-hour driving ''window'' once a week and other non-CDL short-haul drivers two 16-hour duty periods per week, provided specified conditions are met. Furthermore, 49 CFR 381.305(a) specifies that motor carriers ''. . . may

apply for an exemption if one or more FMCSR prevents you from implementing more efficient or effective operations that would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption.''

Terms of the Exemption

Period of the Exemption

The exemption from the requirements of 49 CFR 395.3(a)(2) (the ''14-hour rule'') is granted for the period from 12:01 a.m. on April 17, 2014, through 11:59 p.m. on April 16, 2016, for drivers employed by RockTenn operating CMVs on Compress Street in Chattanooga, Tennessee, between the company's shipping and receiving departments.

Extent of the Exemption

These drivers must comply will all other applicable provisions of the FMCSRs.

Preemption

In accordance with 49 U.S.C. 31315(d), during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Notification to FMCSA

RockTenn must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of this exemption. The notification must include the following information:

a. Date of the accident,

b. City or town, and State, in which the accident occurred, or closest to the accident scene,

c. Drivers name and license number,

d. Vehicle number and state license number,

e. Number of individuals suffering physical injury,

f. Number of fatalities,

g. The police-reported cause of the accident,

h. Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and

i. The total driving time and total on-duty time period prior to the accident. Reports filed under this provision shall be emailed to *MCPSD@DOT.GOV.*

Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemption. The FMCSA will immediately revoke the exemption for failure to comply with its terms and conditions.

Issued on: April 14, 2014.

William Bronrott,

Deputy Administrator.

[FR Doc. 2014–09104 Filed 4–21–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0015]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 71 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before May 22, 2014.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0015 using any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- Fax: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 71 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Joshua T. Adams

Mr. Adams, 25, has had ITDM since 2003. His endocrinologist examined him

in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Adams understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Adams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Curtis J. Arndt

Mr. Arndt, 53, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Arndt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Arndt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Dennis W. Athey, II

Mr. Athey, 38, has had ITDM since 2008. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Athey understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Athey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

John M. Behan, Jr.

Mr. Behan, 60, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Behan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Behan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Maryland.

Peterson Benally

Mr. Benally, 60, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Benally understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Benally meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Mexico.

Jonathan B. Berhost

Mr. Berhost, 23, has had ITDM since 2003. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Berhost understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Berhost meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Mexico.

Kirk B. Berridge

Mr. Berridge, 26, has had ITDM since 2005. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Berridge understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Berridge meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Kansas.

Doren E. Bethel

Mr. Bethel, 53, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bethel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bethel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Francis P. Bourgeois

Mr. Bourgeois, 60, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bourgeois understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr.

Bourgeois meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Louisiana.

William E. Broderick

Mr. Broderick, 66, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Broderick understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Broderick meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Oregon.

Randall T. Buffkin

Mr. Buffkin, 52, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Buffkin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Buffkin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Terry S. Bunge

Mr. Bunge, 53, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bunge understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bunge meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Kenneth J. Burr

Mr. Burr, 55, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Burr understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burr meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Heladio Castillo

Mr. Castillo, 39, has had ITDM since 1992. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Castillo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Castillo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Washington.

Purvis J. Chesson

Mr. Chesson, 51, has had ITDM since 2009. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Chesson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Chesson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Virginia.

Bonnie F. Craig

Mr. Craig, 67, has had ITDM since 2009. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Craig understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Craig meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

Cody Cullen

Mr. Cullen, 22, has had ITDM since 2005. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cullen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cullen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Max E. David

Mr. David, 60, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the

past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. David understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. David meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Jeff T. Enbody

Mr. Enbody, 60, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Enbody understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Enbody meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

John C. Fisher, Jr.

Mr. Fisher, 58, has had ITDM since 2007. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fisher understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fisher meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Larry S. Gibson, II

Mr. Gibson, 51, has had ITDM since 1992. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gibson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gibson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from North Carolina.

Dean C. Groskreutz

Mr. Groskreutz, 44, has had ITDM since 2007. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Groskreutz understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Groskreutz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Minnesota.

James M. Halapchuk

Mr. Halapchuk, 50, has had ITDM since 1995. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Halapchuk understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Halapchuk meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Pennsylvania.

Jeffery A. Hall

Mr. Hall, 52, has had ITDM since 2009. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Maine.

Henry W. Hartman

Mr. Hartman, 52, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hartman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hartman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from New York.

Travis L. Hawley

Mr. Hawley, 32, has had ITDM since 2009. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hawley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hawley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have

diabetic retinopathy. He holds an operator's license from Minnesota.

Marlin R. Hein

Mr. Hein, 56, has had ITDM since 2001. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hein understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hein meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Clifford E. Hill

Mr. Hill, 67, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hill understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hill meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Robert E. Hunt

Mr. Hunt, 49, has had ITDM since 1972. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hunt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hunt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Montana.

Vincenzo Ingrassellino

Mr. Ingrassellino, 53, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ingrassellino understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ingrassellino meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Davis Jansen van Beek

Mr. Jansen van Beek, 25, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Jansen van Beek understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jansen van Beek meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Montana.

Baek J. Kim

Mr. Kim, 56, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Kim understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kim meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Maryland.

Shawn N. Kimble

Mr. Kimble, 34, has had ITDM since 2004. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Kimble understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kimble meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Darrel G. Klauer

Mr. Klauer, 62, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Klauer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Klauer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Stephen D. Lewis

Mr. Lewis, 42, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist

certifies that Mr. Lewis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lewis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Brandon P. Maziarz

Mr. Maziarz, 21, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Maziarz understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Maziarz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Kerry W. McCarthy

Mr. McCarthy, 59, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McCarthy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McCarthy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Alvin McClain

Mr. McClain, 59, has had ITDM since 2007. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McClain understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McClain meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

Kenneth D. Mehmen

Mr. Mehmen, 60, has had ITDM since 2005. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mehmen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mehmen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Kyle B. Mitchell

Mr. Mitchell, 27, has had ITDM since 2000. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mitchell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mitchell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from California.

Michael A. Mobley

Mr. Mobley, 49, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mobley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mobley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

Derald E. Moenning

Mr. Moenning, 57, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Moenning understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moenning meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nebraska.

Thomas R. Moore, Jr.

Mr. Moore, 54, has had ITDM since 2010. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Moore understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Arizona.

Michael A. Murrell

Mr. Murrell, 54, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Murrell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Murrell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class D CDL from Kentucky.

Donald A. Nellen

Mr. Nellen, 66, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Nellen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nellen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Wisconsin.

Dennis N. O'Brien

Mr. O'Brien, 61, has had ITDM since 2010. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. O'Brien understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. O'Brien meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Ryan R. Ong

Mr. Ong, 30, has had ITDM since 1992. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ong understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ong meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from California.

Gregory Paradiso

Mr. Paradiso, 45, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Paradiso understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Paradiso meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Brian K. Patenaude

Mr. Patenaude, 43, has had ITDM since 1991. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Patenaude understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Patenaude meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Traci L. Patterson

Ms. Patterson, 25, has had ITDM since 1989. Her endocrinologist examined her in 2014 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Patterson understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Patterson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2014 and certified that she has stable nonproliferative diabetic retinopathy. She holds an operator's license from California.

Chad A. Powell

Mr. Powell, 38, has had ITDM since 1993. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Powell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Powell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

Grant D. Reiber

Mr. Reiber, 29, has had ITDM since 1992. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Reiber understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reiber meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Oregon.

Frank J. Reimer

Mr. Reimer, 54, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Reimer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reimer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Rosa L. Rinard

Ms. Rinard, 45, has had ITDM since 2013. Her endocrinologist examined her in 2014 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Rinard understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Rinard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2014 and certified that she does not have diabetic retinopathy. She holds a Class A CDL from Texas.

Esteban Ruiz-Crespo

Mr. Ruiz-Crespo, 64, has had ITDM since 2003. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ruiz-Crespo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ruiz-Crespo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Florida.

Richard C. Schendel

Mr. Schendel, 49, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schendel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schendel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Minnesota.

William A. Schimpf, Jr.

Mr. Schimpf, 36, has had ITDM since 2004. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schimpf understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schimpf meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from California.

William J. Schwertner, Jr.

Mr. Schwertner, 58, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schwertner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schwertner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Frank J. Sciulli

Mr. Sciulli, 53, has had ITDM since 2012. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sciulli understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sciulli meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Bryan J. Smith

Mr. Smith, 34, has had ITDM since 2010. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Smith understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

Steven M. Snyder

Mr. Snyder, 53, has had ITDM since 2009. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in

the last 5 years. His endocrinologist certifies that Mr. Snyder understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Snyder meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

Craig L. Staufacker

Mr. Staufacker, 61, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Staufacker understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Staufacker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Edward L. Stauffer

Mr. Stauffer, 58, has had ITDM since 2011. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Stauffer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stauffer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

William H. Stone, Sr.

Mr. Stone, 73, has had ITDM since 2001. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Stone understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stone meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Florida.

Kyle G. Streit

Mr. Streit, 29, has had ITDM since 2013. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Streit understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Streit meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Joseph D. Stutzman

Mr. Stutzman, 39, has had ITDM since 2009. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Stutzman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stutzman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2013 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Raymond J. Vaillancourt

Mr. Vaillancourt, 70, has had ITDM since 2010. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Vaillancourt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vaillancourt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Robert L. Weiland

Mr. Weiland, 56, has had ITDM since 2001. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Weiland understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Weiland meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2013 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Tracy Williams

Mr. Williams, 48, has had ITDM since 2010. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Williams understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Williams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Reginald R. Wolfe, Jr.

Mr. Wolfe, 38, has had ITDM since 2012. His endocrinologist examined him

in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wolfe understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wolfe meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Maryland.

Jared M. Woofter

Mr. Woofter, 25, has had ITDM since 2008. His endocrinologist examined him in 2013 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Woofter understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Woofter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from West Virginia.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 USC. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2014–0015 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2014–0015 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: April 14, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–09110 Filed 4–21–14; 8:45 am]

BILLING CODE 4910–EX–P

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2014–0011–N–02]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requests (ICRs) abstracted below are being forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describes the nature of the information collections and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was published on February 12, 2014 (79 FR 29).

DATES: Comments must be submitted on or before May 22, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (Telephone: (202) 493–6132). (This telephone number is not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995

(PRA), Public Law 104–13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On February 12, 2014, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. *See* 77 FR 29. FRA received no comments after issuing this notice. Accordingly, these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and are being forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the nature of the information collection requirements (ICRs) and the expected burden. The revised requirements are being submitted for clearance by OMB as required by the PRA.

Title: Generic Clearance for the Collection of qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2130–0593.

Type of Request: Extension without change of a previously approved collection.

Form(s): N/A.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback, FRA means information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Annual Estimated Burden: 354 hours.

Addressee: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street NW., Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

Comments are invited on the following: Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Rebecca Pennington,

Chief Financial Officer.

[FR Doc. 2014–09086 Filed 4–21–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Debt Management Advisory Committee Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. 2, section 10(a)(2), that a meeting will be held at the Hay-Adams Hotel, 16th Street and Pennsylvania Avenue NW., Washington, DC, on April 29, 2014 at 9:30 a.m. of the following debt management advisory committee: Treasury Borrowing Advisory Committee of The Securities Industry and Financial Markets Association.

The agenda for the meeting provides for a charge by the Secretary of the Treasury or his designate that the Committee discuss particular issues and conduct a working session. Following the working session, the Committee will present a written report of its recommendations. The meeting will be closed to the public, pursuant to 5 U.S.C. App. 2, section 10(d) and P.L. 103–202, section 202(c)(1)(B) (31 U.S.C. 3121 note).

This notice shall constitute my determination, pursuant to the authority placed in heads of agencies by 5 U.S.C. App. 2, section 10(d) and vested in me by Treasury Department Order No. 101–05, that the meeting will consist of discussions and debates of the issues presented to the Committee by the Secretary of the Treasury and the making of recommendations of the Committee to the Secretary, pursuant to P.L. 103–202, section 202(c)(1)(B). Thus, this information is exempt from disclosure under that provision and 5 U.S.C. 552b(c)(3)(B). In addition, the meeting is concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decisions on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. 2, section 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the Committee, premature disclosure of the Committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, this meeting falls within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

Treasury staff will provide a technical briefing to the press on the day before the Committee meeting, following the release of a statement of economic conditions and financing estimates. This briefing will give the press an opportunity to ask questions about financing projections. The day after the Committee meeting, Treasury will release the minutes of the meeting, any charts that were discussed at the meeting, and the Committee's report to the Secretary.

The Office of Debt Management is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of Committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552(b). The Designated Federal Officer or other responsible agency official who may be contacted for additional information is Fred Pietrangeli, Director for Office of Debt Management (202) 622–1876.

Dated: April 16, 2014.

Matthew S. Rutherford,

Assistant Secretary (Financial Markets).

[FR Doc. 2014–09052 Filed 4–21–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Proposed Collection; Comment Request; Renewal Without Change of the FinCEN Form 8300

AGENCY: Financial Crimes Enforcement Network (FinCEN), U.S. Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN, a bureau of the U.S. Department of the Treasury (''Treasury''), invites all interested parties to comment on its proposed renewal without change to the collection of information through Form 8300, Report of Cash Payments Over $10,000 Received in a Trade or Business. This request for comments is made pursuant to the Paperwork Reduction Act (''PRA'') of 1995, Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

DATES: Written comments should be received on or before June 23, 2014 to be assured of consideration.

ADDRESSES: Written comments should be submitted to: Policy Division, Financial Crimes Enforcement Network, U.S. Department of the Treasury, P.O. Box 39, Vienna, Virginia 22183. *Attention:* PRA Comments—Form 8300 Renewal. Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.gov* with the caption in the body of the text, ''Attention: PRA Comments—Form 8300 Renewal.''

Inspection of comments. Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room in Vienna, VA. Persons wishing to inspect the comments submitted must request an appointment with the Disclosure Officer by telephoning (703) 905–3591 (not a toll free call).

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800–767–2825.

SUPPLEMENTARY INFORMATION: *Title:* Report of Cash Payments Over $10,000 Received in a Trade or Business.

Office of Management and Budget (''OMB'') Number: 1506–0018.

Form Number: 8300.

Abstract: The statute generally referred to as the ''Bank Secrecy Act,'' Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5332, authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1] Regulations implementing Title II of the Bank Secrecy Act appear at 31 CFR Chapter X.

The authority of the Secretary to administer the Bank Secrecy Act has been delegated to the Director of FinCEN.

Section 365 of the USA PATRIOT Act of 2001 (Pub. L. 107–56), adding new section 5331 to Title 31 of the United States Code, authorized FinCEN to collect the information reported on Form 8300. The information collected on Form 8300 is required to be provided pursuant to 31 U.S.C. 5331, as implemented by FinCEN regulations found at 31 CFR 1010.331.

The regulations require any person in a trade or business who, in the course of the trade or business, receives more than $10,000 in cash or foreign currency in one or more related transactions to report it to FinCEN and provide a statement to the person. The information collected under this requirement is made available to appropriate agencies and organizations as disclosed in FinCEN's Privacy Act System of Records Notice relating to BSA Reports.[2]

Current Action: A renewal without change to the current Form 8300. The report is accessible on the FinCEN Web site at: *http://www.fincen.gov/forms/files/fin8300_cashover10k.pdf.*

Type of Review: Renewal without change of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, farms, and the Federal government.

Frequency: As required.

Estimated Number of Respondents: 46,800.

Estimated Time per Respondent: 45 minutes.

Estimated Total Annual Burden Hours: 35,100.[3]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. In accordance with 31 CFR 1010.330(e)(3), a person required to make a report under this section must keep a copy of each report filed for five years from the date of filing.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 16, 2014.

Jennifer Shasky Calvery,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2014–09032 Filed 4–21–14; 8:45 am]

BILLING CODE 4810–02–P

[1] Language expanding the scope of the Bank Secrecy Act to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56.

[2] Treasury Department bureaus such as FinCEN renew their System of Records Notices every three years unless there is cause to amend them more frequently. FinCEN's System of Records Notice for the BSA Report System was most recently published at 77 FR 60014, October 1, 2012.

[3] The burden for the information collection in 31 CFR 1010.330, (also approved under control number 1506–0018), is reflected in the burden of the form and includes reporting and recordkeeping.

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds—Termination Pacific Employers Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 8 to the Treasury Department Circular 570, 2013 Revision, published July 1, 2013, at 78 FR 39440.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Certificate of Authority issued by the Treasury to the above-named company under 31 U.S.C. 9305 to qualify as acceptable surety on Federal bonds is terminated effective today. Federal bond-approving officials should annotate their reference copies of the Treasury Department Circular 570 (''Circular''), 2013 Revision, to reflect this change.

With respect to any bonds currently in force with this company, bond-approving officers may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from this company, and bonds that are continuous in nature should not be renewed.

The Circular may be viewed and downloaded through the Internet at *www.fms.treas.gov/c570*.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: April 9, 2014.

Kevin McIntyre,

Manager, Financial Accounting and Services Division.

[FR Doc. 2014–09170 Filed 4–21–14; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury 's Office of Foreign Assets Control (''OFAC'') is publishing the names of five individuals and 10 entities whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The designation by the Director of OFAC of the five individuals and 10 entities identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on April 10, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On April 10, 2014, the Director of OFAC designated the following five individuals and 10 entities whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Individuals

1. CONTRERAS SANCHEZ, Maria Aurora, Av. Hidalgo No. 2433, Colonia Vallarta Norte, Guadalajara, Jalisco, Mexico; 3888 Paseo de los Parques, Colonia Colinas de San Javier, Zapopan, Jalisco, Mexico; DOB 25 Oct 1979; POB Guadalajara, Jalisco, Mexico; R.F.C. COSA791025645 (Mexico) (individual) [SDNTK] (Linked To: INMOBILIARIA CORSANCH, S.A. DE C.V.).
2. ROSALES MORFIN, Eva Luz, 3888 Calle Paseo de los Parques, La Colonia Colinas de San Javier, Zapopan, Jalisco, Mexico; DOB 11 Apr 1968; POB Guadalajara, Jalisco, Mexico; Passport G01626402 (Mexico); R.F.C. ROME6804111R9 (Mexico) (individual) [SDNTK] (Linked To: INMOBILIARIA CORSANCH, S.A. DE C.V.).
3. SANCHEZ GONZALEZ, Fernando; DOB 24 Sep 1969; POB Jalisco, Mexico; R.F.C. SAGF690924JU7 (Mexico); C.U.R.P. SAGF690924HJCNNR09 (Mexico) (individual) [SDNTK] (Linked To: CONSTRUCTORA ACANTU, S.A. DE C.V.; Linked To: GRUPO INMOBILIARIO OCSA, S.A. DE C.V.; Linked To: INMOBILIARIA ASYSA, S.A. DE C.V.; Linked To: GRUPO ISAYAS, S.A. DE C.V.; Linked To: DBARDI, S.A. DE C.V.; Linked To: GRUPO FRACSA, S.A. DE C.V.).
4. SANCHEZ GONZALEZ, Javier, Av. Vallarta No. 3216, Guadalajara, Jalisco, Mexico; DOB 15 May 1971; POB Jalisco, Mexico; R.F.C. SAGJ7105156K9 (Mexico); C.U.R.P. SAGJ710515HJCNNV02 (Mexico) (individual) [SDNTK] (Linked To: INMOBILIARIA ASYSA, S.A. DE C.V.; Linked To: CARIATIDE GRUPO INMOBILIARIO, S.A. DE C.V.; Linked To: DBARDI, S.A. DE C.V.; Linked To: GRUPO FRACSA, S.A. DE C.V.).
5. SANCHEZ GONZALEZ, Jose, Av. Vallarta No. 3216, Col. Vallarta San Jorge, Guadalajara, Jalisco, Mexico; DOB 30 Sep 1962; POB Jalisco, Mexico; R.F.C. SAGJ620930MG0 (Mexico); C.U.R.P.

SAGJ620930HJCNNS03 (Mexico) (individual) [SDNTK] (Linked To: GRUPO INSA, S.A. DE C.V.; Linked To: CONSTRUCTORA ACANTU, S.A. DE C.V.; Linked To: GRUPO INMOBILIARIO OCSA, S.A. DE C.V.; Linked To: INMOBILIARIA GORSA, S.A. DE C.V.; Linked To: INMOBILIARIA ASYSA, S.A. DE C.V.; Linked To: GRUPO ISAYAS, S.A. DE C.V.; Linked To: INMOBILIARIA NOVSA, S.A. DE C.V.; Linked To: DBARDI, S.A. DE C.V.; Linked To: GRUPO FRACSA, S.A. DE C.V.).

Entities

1. BOCADOS DE AUTOR, S.A. DE C.V. (a.k.a. LUCRECIA BAR), Av. Pablo Neruda 3085, Colonia Providencia, Guadalajara, Jalisco 44630, Mexico; R.F.C. BAU810024J4 (Mexico) [SDNTK].
2. CARIATIDE GRUPO INMOBILIARIO, S.A. DE C.V., Av. Vallarta No. 3216, Col. Vallarta San Jorge, Guadalajara, Jalisco 44690, Mexico; R.F.C. CGI0501197ST (Mexico) [SDNTK] (Linked To: SANCHEZ GONZALEZ, Javier).
3. CONSTRUCTORA ACANTU, S.A. DE C.V., Av. Vallarta No. 3216, Col. Vallarta San Jorge, Guadalajara, Jalisco 44690, Mexico; R.F.C. CAC931015UC2 (Mexico) [SDNTK] (Linked To: SANCHEZ GONZALEZ, Ernesto; Linked To: SANCHEZ GONZALEZ, Jose; Linked To: SANCHEZ GONZALEZ, Fernando).
4. GRUPO INMOBILIARIO OCSA, S.A. DE C.V., Av. Vallarta No. 3216, Col. Vallarta San Jorge, Guadalajara, Jalisco 44690, Mexico; R.F.C. GIO050907D57 (Mexico) [SDNTK] (Linked To: SANCHEZ GONZALEZ, Jose; Linked To: SANCHEZ GONZALEZ, Fernando).
5. GRUPO INSA, S.A. DE C.V. (a.k.a. INSA: GRUPO INMOBILIARIO, S.A. DE C.V.), Av. Vallarta No. 3216, Col. Vallarta San Jorge, Guadalajara, Jalisco 44690, Mexico; R.F.C. GIN050207A76 (Mexico) [SDNTK] (Linked To: SANCHEZ GONZALEZ, Jose).
6. GRUPO ISAYAS, S.A. DE C.V., Av. Vallarta No. 3216, Col. Vallarta San Jorge, Guadalajara, Jalisco 44690, Mexico; R.F.C. GIS040527T58 (Mexico) [SDNTK] (Linked To: SANCHEZ GONZALEZ, Jose; Linked To: SANCHEZ GONZALEZ, Fernando).
7. INMOBILIARIA ASYSA, S.A. DE C.V., Av. Vallarta No. 3216, Col. Vallarta San Jorge, Guadalajara, Jalisco, Mexico; R.F.C. IAS050907A14 (Mexico) [SDNTK] (Linked To: SANCHEZ GONZALEZ, Jose; Linked To: SANCHEZ GONZALEZ, Fernando; Linked To: SANCHEZ GONZALEZ, Javier).
8. INMOBILIARIA CORSANCH, S.A. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 40778 (Mexico) [SDNTK].
9. INMOBILIARIA GORSA, S.A. DE C.V., Av. Vallarta No. 3216, Col. Vallarta San Jorge, Guadalajara, Jalisco 44690, Mexico; R.F.C. IGO060407J63 (Mexico) [SDNTK] (Linked To: SANCHEZ GONZALEZ, Jose).
10. INMOBILIARIA NOVSA, S.A. DE C.V., Av. Vallarta No. 3216, Col. Vallarta San Jorge, Guadalajara, Jalisco 44690, Mexico; R.F.C. GIN050623D21 (Mexico) [SDNTK] (Linked To: SANCHEZ GONZALEZ, Jose).

In addition, OFAC is publishing an addition to the identifying information for the following individuals previously designated pursuant to the Kingpin Act.

1. ADIB MADERO, Michel; DOB 21 Feb 1977; POB Jalisco, Mexico; Cedula No. 3348806 (Mexico); R.F.C. AIMM770221CJ7 (Mexico); C.U.R.P. AIMM770221HJCDDC08 (Mexico) (individual) [SDNTK] (Linked To: RESTAURANT BAR LOS ANDARIEGOS, S.A. DE C.V.).
2. CONTRERAS SANCHEZ, Diego; DOB 19 Apr 1985; POB Jalisco, Mexico; R.F.C. COSD850419T13 (Mexico); C.U.R.P. COSD850419HJCNNG02 (Mexico) (individual) [SDNTK] (Linked To: RESTAURANT BAR LOS ANDARIEGOS, S.A. DE C.V.).
3. GARZA RODRIGUEZ, Beatriz (a.k.a. GARZA RODRIGUEZ DE SANCHEZ, Beatriz), Av. Vallarta No. 3060, Colonia Vallarta San Jorge, Guadalajara, Jalisco, Mexico; 5151–37 A Av. Acueducto, La Colonia Residencial Pontevedra, Zapopan, Jalisco, Mexico; DOB 14 Nov 1948; POB Los Mochis, Sinaloa, Mexico; R.F.C. GARB481114965 (Mexico); C.U.R.P. GARB481114MSLRDT03 (Mexico) (individual) [SDNTK].
4. SANCHEZ GARZA, Diego, Av. Vallarta No. 3060, Colonia Vallarta San Jorge, Guadalajara, Jalisco, Mexico; DOB 05 Apr 1976; POB Guadalajara, Jalisco, Mexico; R.F.C. SAGD760405A45 (Mexico); C.U.R.P. SAGD760405HJCNRG06 (Mexico) (individual) [SDNTK] (Linked To: GRUPO FRACSA, S.A. DE C.V.; Linked To: DBARDI, S.A. DE C.V.; Linked To: GRUPO CONSTRUCTOR SEGUNDO MILENIO, S.A. DE C.V.).
5. SANCHEZ GONZALEZ, Ernesto, Av. Vallarta 3216, Colonia Vallarta San Jorge, Guadalajara, Jalisco, Mexico; DOB 03 Feb 1967; POB Tepatitlan de Morelos, Jalisco, Mexico; R.F.C. SAGE670203KH4 (Mexico); C.U.R.P. SAGE670203HJCNNR06 (Mexico) (individual) [SDNTK] (Linked To: GRUPO FRACSA, S.A. DE C.V.; Linked To: DBARDI, S.A. DE C.V.).
6. SANCHEZ GONZALEZ, Ruben, Av. Arcos 960, Colonia Jardines del Bosque, Guadalajara, Jalisco, Mexico; DOB 14 Jul 1964; POB Tepatitlan de Morelos, Jalisco, Mexico; R.F.C. SAGR640714–882 (Mexico); C.U.R.P. SAGR640714HJCNNB02 (Mexico) (individual) [SDNTK] (Linked To: GRUPO FRACSA, S.A. DE C.V.; Linked To: DBARDI, S.A. DE C.V.; Linked To: PISCILANEA, S.A. DE C.V.).

The listing for these individuals now appears as follows:

1. ADIB MADERO, Michel; DOB 21 Feb 1977; POB Jalisco, Mexico; Cedula No. 3348806 (Mexico); R.F.C. AIMM770221CJ7 (Mexico); C.U.R.P. AIMM770221HJCDDC08 (Mexico) (individual) [SDNTK] (Linked To: RESTAURANT BAR LOS ANDARIEGOS, S.A. DE C.V.; Linked To: BOCADOS DE AUTOR, S.A. DE C.V.).
2. CONTRERAS SANCHEZ, Diego; DOB 19 Apr 1985; POB Jalisco, Mexico; R.F.C. COSD850419T13 (Mexico); C.U.R.P. COSD850419HJCNNG02 (Mexico) (individual) [SDNTK] (Linked To: RESTAURANT BAR LOS ANDARIEGOS, S.A. DE C.V.; Linked To: BOCADOS DE AUTOR, S.A. DE C.V.).
3. GARZA RODRIGUEZ, Beatriz (a.k.a. GARZA RODRIGUEZ DE SANCHEZ, Beatriz), Av. Vallarta No. 3060, Colonia Vallarta San Jorge, Guadalajara, Jalisco, Mexico; 5151–37 A Av. Acueducto, La Colonia Residencial Pontevedra, Zapopan, Jalisco, Mexico; DOB 14 Nov 1948; POB Los Mochis, Sinaloa, Mexico; R.F.C. GARB481114965 (Mexico); C.U.R.P. GARB481114MSLRDT03 (Mexico) (individual) [SDNTK] (Linked To: INMOBILIARIA CORSANCH, S.A. DE C.V.).
4. SANCHEZ GARZA, Diego, Av. Vallarta No. 3060, Colonia Vallarta San Jorge, Guadalajara, Jalisco, Mexico; DOB 05 Apr 1976; POB Guadalajara, Jalisco, Mexico; R.F.C. SAGD760405A45 (Mexico); C.U.R.P. SAGD760405HJCNRG06 (Mexico) (individual) [SDNTK] (Linked To: GRUPO FRACSA, S.A. DE C.V.; Linked To: DBARDI, S.A.

DE C.V.; Linked To: GRUPO CONSTRUCTOR SEGUNDO MILENIO, S.A. DE C.V.; Linked To: BOCADOS DE AUTOR, S.A. DE C.V.).

5. SANCHEZ GONZALEZ, Ernesto, Av. Vallarta 3216, Colonia Vallarta San Jorge, Guadalajara, Jalisco, Mexico; DOB 03 Feb 1967; POB Tepatitlan de Morelos, Jalisco, Mexico; R.F.C. SAGE670203KH4 (Mexico); C.U.R.P. SAGE670203HJCNNR06 (Mexico) (individual) [SDNTK] (Linked To: GRUPO FRACSA, S.A. DE C.V.; Linked To: DBARDI, S.A. DE C.V.; Linked To: CONSTRUCTORA ACANTU, S.A. DE C.V.; Linked To: GRUPO ISAYAS, S.A. DE C.V.; Linked To: GRUPO INMOBILIARIO OCSA, S.A. DE C.V.).

6. SANCHEZ GONZALEZ, Ruben, Av. Arcos 960, Colonia Jardines del Bosque, Guadalajara, Jalisco, Mexico; DOB 14 Jul 1964; POB Tepatitlan de Morelos, Jalisco, Mexico; R.F.C. SAGR640714–882 (Mexico); C.U.R.P. SAGR640714HJCNNB02 (Mexico) (individual) [SDNTK] (Linked To: GRUPO FRACSA, S.A. DE C.V.; Linked To: DBARDI, S.A. DE C.V.; Linked To: PISCILANEA, S.A. DE C.V.; Linked To: CARIATIDE GRUPO INMOBILIARIO, S.A. DE C.V.).

Dated: April 10, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–09105 Filed 4–21–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Former Prisoners of War; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Advisory Committee on Former Prisoners of War (FPOW) has scheduled a meeting on May 5–7, 2014, at Embassy Suites, Diplomatic Room, 1250 22nd Street NW., Washington, DC. The meeting will be held on May 5th and 6th from 9:00 a.m. to 4:00 p.m. and on May 7th from 9:00 a.m. to Noon. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of benefits under Title 38, United States Code, for veterans who are former prisoners of war, and to make recommendations on the needs of such veterans for compensation, health care, and rehabilitation.

The Committee will hear from its Chairman and will receive briefings by VA management, from the Robert E. Mitchell Center, representatives from Veterans Benefits Administration, and Veterans Health Administration. Annual ethics training will be presented by the Office of General Counsel, the Chairman of the Employee Education System will report on the FPOW training agenda, and Benefits Assistance Service will report on outreach efforts to FPOWs. The Committee invites all FPOWs to attend Tuesday, May 6th, at 11:00 a.m. when the Committee will host an open public forum and FPOW panel to gain information from FPOWs about their experiences, issues, and recommendations for health benefits and claims processing. On May 7th, the Committee will draft the beginning of their 2014/2015 recommendations and decide the location of their next meeting in the fall.

Former Prisoners of War who wish to participate in the FPOW panel and speak at the public forum are invited to submit a 1–2 page summary of their comments at the end of the meeting for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Mrs. Pam Burd, Designated Federal Office, Advisory Committee on Former Prisoners of War, and Program Analyst, Compensation Service (212C), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, or by email at *pamela.burd@va.gov.* Any member of the public seeking additional information should contact Ms. Burd by email or call (202) 461–9149.

Dated: April 17, 2014.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2014–09162 Filed 4–18–14; 11:15 am]

BILLING CODE P

Reader Aids

Federal Register

Vol. 79, No. 77

Tuesday, April 22, 2014

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

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Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, APRIL

18153–18440 1
18441–18610 2
18611–18764 3
18765–18984 4
18985–19286 7
19287–19460 8
19461–19804 9
19805–20090 10
20091–20752 11
20753–21118 14
21119–21384 15
21385–21580 16
21581–21844 17
21845–22008 18
22009–22356 21
22357–22587 22

CFR PARTS AFFECTED DURING APRIL

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9092 18763
9093 18975
9094 18977
9095 18979
9096 18981
9097 18983
9098 18985
9099 19799
9100 19801
9101 20089
9102 20745
9103 21119
9104 21579

Executive Orders:
11246 (Amended by 13665) 20747
13664 19283
13665 20747

Administrative Orders:
Memorandums:
Memorandum of April 8, 2014 20749
Notices:
Notice of April 7, 2014 19803

5 CFR

532 21121
950 21581

Proposed Rules:
1201 18658
1630 22454
1631 22454

6 CFR

5 18441

7 CFR

33 18765
301 ..... 21595, 21598
319 19805
322 19805
360 19805
905 19461
945 22357
985 22359
1214 18987
1400 21086
1416 21086
1463 19462

Proposed Rules:
28 18211
319 ..... 19838, 19840, 21153
457 20110
920 19501
987 19028
1703 18482
1709 18482
1710 18482
1717 18482
1720 18482
1721 18482
1724 18482
1726 18482
1737 18482
1738 18482
1739 18482
1740 18482
1753 18482
1774 18482
1775 18482
1779 18482
1780 18482
1781 18482
1782 18482
1924 18482
1940 18482
1942 18482
1944 18482
1948 18482
1951 18482
1955 18482
1962 18482
1970 18482
1980 18482
3550 18482
3560 18482
3565 18482
3570 18482
3575 18482
4274 18482
4279 18482
4280 18482
4284 18482
4290 18482

9 CFR

Proposed Rules:
112 22048
391 22052

10 CFR

72 ..... 20753, 21121
429 ..... 22278, 22320
430 ..... 20091, 22320
431 22278

Proposed Rules:
50 ..... 19501, 22456
51 22055
52 22456
72 21156
170 21036
171 21036
429 19844
430 18661
431 ..... 19293, 19844, 20114

12 CFR

303 20754
308 20754
324 20754
327 20754
333 20754

337....20754
347....20754
349....20754
360....20754
362....20754
363....20754
364....20754
365....20762
380....20754
390....20754
391....20754
630....21598
Proposed Rules:
34....19521
208....19521
225....19521
308....22056
323....19521
335....22063
390....19521, 22056, 22063
1026....19521
1222....19521

13 CFR

Proposed Rules:
102....19544

14 CFR

25....20768, 21845
36....20769
39....18611, 18615, 18617, 18619, 18622, 18626, 18629, 18987, 19812, 21385, 21387, 21389, 21392, 21845, 22362, 22364, 22367, 22369
71....18153, 18154, 18155, 18442, 19287, 20769, 21598, 21600, 21601, 21846, 21847
91....19288, 22009
97....21602, 21604
120....22009
135....22009
1201....18443
1260....21125
1273....21125
1274....21125
Proposed Rules:
25....20818, 21413
39....18846, 18848, 19294, 19296, 19299, 19546, 19548, 19844, 19846, 20138, 20819, 20824, 20827, 20829, 20832, 20834, 20837, 20839, 21158, 21160, 21413, 21416, 21648, 21651, 21655, 22069
71....18482, 19030, 22457, 22458
121....18212

15 CFR

744....21394
Proposed Rules:
730....19552
742....19552
748....19552
762....19552
772....19552
922....20982, 21658

16 CFR

303....18766
305....19464
Proposed Rules:
306....18850

17 CFR

Proposed Rules:
200....18483
229....18483
230....18483, 19564
232....18483
239....18483
240....18483
243....18483
249....18483
270....19564

18 CFR

35....18775
341....21126
Proposed Rules:
284....18223

19 CFR

351....22371
Proposed Rules:
201....21658

20 CFR

718....21606
725....21606

21 CFR

1....18799
14....20094
73....20095
179....20771
510....18156, 19814, 19816
516....18156
520....18156
522....18156, 21126
526....18156
556....18990
558....18156, 18990, 19814, 19816
886....22012
890....20779
Proposed Rules:
1....18866, 18867
172....19301

22 CFR

41....19288
126....21616
173....22016
303....19816

26 CFR

1....18159, 18161, 21617, 22378
602....18161
Proposed Rules:
1....21163

29 CFR

1910....20316, 21848
1917....22018
1926....20316
1985....18630
2700....20098
4022....21127
Proposed Rules:
1910....21876
1926....21164
4001....18483
4022....18483
4044....18483

30 CFR

585....21617
590....21617
723....18444
724....18444
845....18444
846....18444

31 CFR

560....18990

32 CFR

117....19467
156....18161

33 CFR

100....18167, 18169, 18448, 18995, 19478, 20783, 22381
117....18181, 18996, 20784, 20785, 20786, 21128, 21626, 21628, 22395, 22396, 22397, 22398
165....18169, 19289, 19480, 19483, 20786, 20789, 20792, 20794, 20796, 21129, 21629, 22020, 22023, 22398, 22413, 22415
177....20797
334....18450
Proposed Rules:
1....22071
100....20841, 21661
117....18243
140....20844
141....20844
142....20844
143....20844
144....20844
145....20844
146....20844
147....19569, 20844
165....18245, 19031, 19034, 19302, 19572, 20851, 21166, 22459, 22462, 22465
328....22188

34 CFR

Proposed Rules:
Ch. III....18490, 21170, 21418, 21663
Ch. VI....20139

36 CFR

Proposed Rules:
1....21876
2....21876
7....21876

39 CFR

961....22025
Proposed Rules:
3050....18661

40 CFR

9....20800
51....18452
52....18183, 18453, 18644, 18802, 18997, 18999, 19001, 19009, 19012, 19820, 20098, 20099, 21137, 21139, 21142, 21144, 21631, 21849, 21852, 21855, 21857, 22028, 22032, 22415
60....18952
62....21146
69....22032
81....21857, 22415
180....18456, 18461, 18467, 18805, 18810, 18815, 18818, 19485, 20100, 22418
282....19830
721....20800
761....18471
799....18822
Proposed Rules:
52....18248, 18868, 19036, 20139, 21173, 21178, 21179, 21421, 21424, 21668, 21669, 21679, 21882
62....21187
81....18248, 20139
110....22188
112....22188
116....22188
117....22188
122....22188
131....18494
228....22073
230....22188
232....22188
241....21006
300....19037, 22188
302....22188
401....22188
761....18497
770....19305

41 CFR

102–42....18477
Proposed Rules:
102–36....19575

42 CFR

85a....19835
Proposed Rules:
100....21187
85a....19848
403....21552
416....21552
418....21552
460....21552
482....21552
483....21552
485....21552

44 CFR

64....18825, 21397

45 CFR

18....20801
1613....21148
1626....21861
Proposed Rules:
1351....21064
1614....21188

46 CFR

Proposed Rules:
10....20844
11....20844
12....20844
13....20844
14....20844
15....20844
69....19420

47 CFR

73....19014
79....21399
90....20105
Proposed Rules:
1....18249, 20854

36 18498
76 19849
80 18249
95 18249

48 CFR

201 22036
212 22036
216 22036
246 18654
247 22036
252 ....22036, 22041, 22042
552 ....20106, 21400

Proposed Rules:

1 18503
3 18503
12 18503
52 18503
511 21691
538 21691
552 21691
915 18416
934 18416
942 18416
944 18416
945 18416
952 18416
1516 19039
1552 19039

49 CFR

21 21402
27 21402
37 21402
38 21402
229 21636
390 19835
571 19178
1333 21407

Proposed Rules:

Ch. X 19042
382 22467

50 CFR

17 ....18190, 19712, 19760, 19974, 20073, 20107
32 21874
92 19454
223 20802
224 20802
300 ....18827, 19487
622 ....19490, 19836, 21636, 21875
635 20108
648 ....18478, 18834, 18844, 19497, 22043, 22419, 22421
660 ....19498, 21639, 22449
679 ....18654, 18655, 18845, 19500, 21151
697 ....19015, 22043, 22421

Proposed Rules:

17 ....18869, 19307, 19314, 19860, 22076, 22077
222 21695
223 21695
229 21695
635 18870
648 ....19861, 20161
660 18876
679 21882

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List April 17, 2014

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