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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2013–0236]

RIN 3150–AJ28

List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. Standardized NUHOMS® Cask System

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of May 24, 2014, for the direct final rule that was published in the **Federal Register** on March 10, 2014. This direct final rule amended the NRC's spent fuel storage regulations by revising the Transnuclear, Inc. Standardized NUHOMS® Cask System listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 13 to Certificate of Compliance (CoC) No. 1004.

DATES: *Effective Date:* The effective date of May 24, 2014, is confirmed for this direct final rule.

ADDRESSES: Please refer to Docket ID NRC–2013–0236 when contacting the NRC about the availability of information for this direct final rule. You may access publicly-available information related to this direct final rule by any of the following methods:

- *Federal Rulemaking Web site:* Go to: *http://www.regulations.gov* and search for Docket ID NRC–2013–0236. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Gregory Trussell, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6445, email: *Gregory.Trussell@nrc.gov*.

SUPPLEMENTARY INFORMATION: On March 10, 2014 (79 FR 13192), the NRC published a direct final rule amending its regulations at § 72.214 of Title 10 of the *Code of Federal Regulations* by revising the Transnuclear, Inc. Standardized NUHOMS® Cask System listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 13 to CoC No. 1004. In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on May 24, 2014. The NRC did not receive any comments on the direct final rule. Therefore, this direct final rule will become effective as scheduled.

Dated at Rockville, Maryland, this 12th day of May, 2014.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 2014–11400 Filed 5–15–14; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 14, 21, 26, 34, 35, 41, 133, 136, 160, 163, 164, 171, and 196

[Docket ID OCC–2014–0006]

RIN 1557–AD75

Integration of National Bank and Savings Association Regulations: Interagency Rules

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is combining certain rules originally issued jointly with the other Federal banking agencies by the OCC with respect to national banks and by the former Office of Thrift Supervision (OTS) with respect to savings associations. Specifically, the OCC is combining rules relating to consumer protection in insurance sales, Bank Secrecy Act (BSA) compliance, management interlocks, appraisals, disclosure and reporting of Community Reinvestment Act (CRA)-related agreements, and the Fair Credit Reporting Act (FCRA). This rulemaking also makes technical amendments to the OCC's FCRA rule to conform to provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act or Act). This rulemaking will not result in any substantive changes in the combined rules. It will, however, streamline OCC rules, reduce duplication, and create efficiencies by establishing a single set of these rules for all entities supervised by the OCC.

DATES: This final rule is effective on June 16, 2014.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Heidi Thomas, Special Counsel, or Stuart Feldstein, Director, Legislative and Regulatory Activities Division, 202–649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597; Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

I. Background

As part of the comprehensive package of financial regulatory reform measures included in the Dodd-Frank Act,[1] Title III of the Act transferred the powers, authorities, rights, and duties of the OTS to other Federal banking agencies, including the OCC. This transfer was effective on July 21, 2011. The Act abolished the OTS 90 days after the transfer date.

Title III transferred to the OCC all functions of the OTS and the Director of the OTS relating to Federal savings associations. As a result, the OCC is now responsible for the ongoing examination, supervision, and regulation of Federal savings associations, in addition to national banks and Federal branches and agencies.[2] The Dodd-Frank Act also transferred to the OCC the rulemaking authority of the OTS relating to all savings associations, both state and Federal.[3]

On July 21, 2011, the OCC published a final rule that, among other things, revised OCC rules relating to key internal agency functions and operations to reflect the transfer of supervisory jurisdiction for Federal savings associations to the OCC. On this same date, the OCC issued an interim final rule and request for comments that restated and relocated the former OTS regulations to 12 CFR parts 100 through 197, with nomenclature and other technical changes.[4] As a result, all OCC rules for both national banks and savings associations are located in Chapter 1 of Title 12 of the Code of Federal Regulations.

II. Overview of Integration Rulemakings

With a few exceptions, the OCC currently has one set of rules applicable to national banks and another set applicable to Federal savings associations or, where appropriate, to all savings associations.[5] The OCC is now reviewing its rules to determine whether it is appropriate to integrate them into a single set of rules for both national banks and savings associations, where legally permissible and consistent with underlying statutes applicable to each type of institution.[6] The key objectives of this review are to reduce regulatory duplication, promote fairness in supervision, eliminate unnecessary burden consistent with safety and soundness, and create efficiencies for both national banks and savings associations, as well as for the OCC.[7]

Based on this review, the OCC plans to publish a series of rulemakings, each focused on a specific category or categories of bank and savings association regulations.[8] This final rule is the first of these integration rulemakings and it addresses those rules that the OCC and the OTS adopted on an interagency basis with other Federal regulators.

III. Description of the Final Rule

This final rule amends the following OCC rules: Consumer protection in sales of insurance (12 CFR parts 14, 136), procedures for monitoring BSA compliance (12 CFR part 21, subpart C, and 12 CFR 163.177), depository management interlocks (12 CFR parts 26, 196), appraisals (12 CFR part 34, subpart C, and part 164), disclosure and reporting of CRA-related agreements (12 CFR parts 35, 133), disposal of consumer information (12 CFR part 41, subpart I; and 12 CFR part 171, subpart I), and identity theft red flags (12 CFR part 41, subpart J, and 12 CFR part 171, subpart J). Each pair of bank and savings association rules is substantively identical. Therefore, their integration will have no substantive effect on banks and savings associations and this rulemaking serves only to simplify the OCC's rulebook.[9]

A detailed description of each amendment in this final rule is set forth below. A redesignation table that indicates changes in the numbering of the rules is included as Section VII of the preamble.

Consumer Protection in Sales of Insurance

Twelve CFR parts 14 and 136 establish consumer protection rules for the sale of insurance or annuities to a consumer by national banks and Federal savings associations, respectively, and their subsidiaries. The rules are nearly identical and contain no substantive differences. The OCC and OTS originally adopted these rules through an interagency rulemaking[10] pursuant to section 305 of the Gramm-Leach-Bliley Act (GLBA),[11] and the OCC

[1] Public Law 111–203, 124 Stat. 1376 (2010).

[2] Title III also transferred all functions of the OTS relating to state savings associations to the Federal Deposit Insurance Corporation (FDIC). It transferred all functions relating to the supervision of any savings and loan holding company and nondepository institution subsidiaries of such holding companies, as well as rulemaking authority for savings and loan holding companies, to the Board of Governors of the Federal Reserve System (Federal Reserve Board). Dodd-Frank Act, sections 312(b)(1) and (b)(2)(A) (savings and loan holding companies) and section 312(b)(2)(C) (state savings associations), codified at 12 U.S.C. 5412(b)(1), (b)(2)(A), and (b)(2)(C).

[3] Dodd-Frank Act, section 312(b)(2)(B)(i), codified at 12 U.S.C. 5412(b)(2)(B)(i). We note that the FDIC has identified a number of independent sources for exercising rulemaking authority for state savings associations in some cases.

[4] 76 FR 48950 (Aug. 9, 2011).

[5] The following OCC regulations apply to both Federal and state savings associations: Certain provisions in part 160 (lending and investment); certain provisions in part 163 (savings association operations); part 169 (proxies); part 190 (preemption of state usury laws); part 191 (preemption of state due-on-sale laws); part 192 (conversions from mutual to stock form); and part 195 (Community Reinvestment Act).

[6] Concurrent with our integration of national bank and Federal savings association rules, the OCC also is reviewing OTS-issued supervisory policies to integrate them into the OCC's policy framework and to rescind any issuances that are duplicative, outdated, or replaced by other supervisory guidance. Our goal is to produce uniform policies for national banks and Federal savings associations, while recognizing differences anchored in statute. This policy review is occurring in conjunction with this integration rulemaking project. Many OTS-issued supervisory policies already have been integrated, rescinded, or replaced by new or existing OCC guidance. We will update this policy guidance, as appropriate, to reflect the integration of OCC rules as of the effective date of the final rules. Until that time, the Dodd-Frank Act provides that all such OTS issuances continue in effect until modified, terminated, set aside, or superseded. *See* Dodd-Frank Act section 316(b)(2), codified at 12 U.S.C. 5414(b)(2); OCC Bulletins 2011–47 (Dec. 11, 2011), 2012–2 (Jan. 06, 2012), 2012–3 (Jan. 06, 2012), 2012–15 (May 17, 2012), and 2013–34 (Nov. 20, 2013); and *www.occ.gov/publications/publications-by-type/comptrollers-handbook/index-comptrollers-handbook.html.*

[7] We note that section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA), 12 U.S.C. 3311, requires the OCC, FDIC, and Federal Reserve Board (the Agencies) and the Federal Financial Institutions Examination Council (FFIEC) to conduct a review of all their regulations to identify outdated, unnecessary, or unduly burdensome regulations at least once every 10 years. The FFIEC and the Agencies must complete their next review by December 31, 2016. To this end, the OCC, FDIC and Federal Reserve Board will issue joint notices requesting comments on their rules pursuant to EGRPRA over the next two years. The EGRPRA statute contemplates that the Agencies will initiate rulemakings, as appropriate, to change or eliminate outdated, unnecessary, or unduly burdensome rules based on the comments received. We plan to coordinate the publication of our integration proposals with the interagency EGRPRA review, such that final revisions to most OCC rules would consider both comments provided pursuant to the EGRPRA review and comments received pursuant to publication of OCC notices of proposed rulemakings.

[8] This integration rulemaking project will not include rules relating to lending limits, capital, flood insurance, and safety and soundness standards. The OCC has addressed these rules in separate rulemakings. *See* 78 FR 37930 (June 25, 2013); 78 FR 62018 (Oct. 11, 2013), 78 FR 65108 (Oct. 30, 2013), and 79 FR 4282 (Jan. 27, 2014), respectively. It also will not include certain mutual thrift rules, which the OCC will review at a later date, if necessary.

[9] Because these rules were issued on an interagency basis, the OCC would need to make any substantive changes to these rules through a joint rulemaking with the other issuing agencies. The Agencies will consider the need for substantive changes to these rules after the EGRPRA notice process is complete.

[10] 65 FR 75822 (Dec. 4, 2000).

[11] Public Law 106–102 (Nov. 12, 1999), codified at 12 U.S.C. 1831x.

republished the OTS rule as part 136 with only nomenclature changes.[12]

The OCC is amending part 14 by adding language to make it applicable to both national banks and Federal savings associations. Specifically, the final rule amends the scope and purpose section of part 14 to include Federal savings associations by adding a definition of ''Federal savings association'' and inserting the term ''Federal savings association'' throughout the rule where necessary. The final rule also replaces the term ''bank'' with ''national bank,'' where appropriate, to parallel the term ''Federal savings association.'' Finally, the final rule removes part 136.

Procedures for Monitoring BSA Compliance

Subpart C of 12 CFR part 21 (§ 21.21) and 12 CFR 163.177 require that national banks and savings associations establish and maintain procedures reasonably designed to assure and monitor compliance with BSA requirements. These provisions also establish minimum requirements for BSA compliance programs.[13] The OCC and OTS originally adopted these rules through an interagency rulemaking[14] and they are substantively the same. The OCC is amending subpart C to make it applicable to both national banks and savings associations and rescinding 12 CFR 163.177. Specifically, the final rule adds a definition of the term ''savings association'' and inserts this term throughout the rule, where appropriate.

Because there is no independent basis for the FDIC to exercise rulemaking authority for state savings associations with respect to implementing these BSA requirements, this final rule is applicable to both state and Federal savings associations. This rule also is applicable to Federal branches and agencies pursuant to 12 U.S.C. 3102(b) and 12 CFR 28.13(a). The FDIC will enforce this rule for state savings associations.

Depository Institutions Management Interlocks Act

Twelve CFR parts 26 and 196 implement the requirements of the Depository Institution Management Interlocks Act (Interlocks Act)[15] for national banks and Federal savings associations, respectively. The rules are nearly identical and contain no substantive differences as the OCC and OTS originally adopted them through an interagency rulemaking.[16]

In order to consolidate our rules, the OCC is amending part 26 by adding language that makes it applicable to both national banks and Federal savings associations and removing part 196. Specifically, the final rule amends the authority section to include relevant statutory citations for Federal savings associations, amends the scope section to include Federal savings associations, and inserts the term ''Federal savings association'' in the rule where necessary.

In addition, the final rule amends § 26.4, which addresses interlocking relationships permitted by statute, to include: (1) Any savings association that has issued stock in connection with a qualified stock issuance pursuant to section 10(q) of the Home Owners' Loan Act, as provided by section 205(9) of the Interlocks Act[17] and (2) for a period of up to 10 years, an interlocking relationship in connection with an emergency acquisition of a Federal savings association, if the relationship is approved by the FDIC pursuant to section 13(k)(1)(A)(v) of the Federal Deposit Insurance Act (FDI Act), as amended.[18] These two amendments implement statutory provisions that apply only to savings associations and that currently are included in part 196. Finally, the final rule amends § 26.2(j)(1)(vi) to correct an inaccurate citation and § 26.6(c) to correct a drafting error.

Both §§ 26.6 and 196.6 provide that the OCC may exempt an interlock from the prohibitions of the Interlocks Act if the OCC finds that the interlock would not result in a monopoly or substantial lessening of competition and would not present safety and soundness concerns. These sections also provide a rebuttable presumption that this test will be met if the depository organization seeking to add a management official is controlled or managed by persons who are members of a minority group or by women. A commenter on an earlier OCC–OTS integration rulemaking requested that we remove this presumption.[19] The OCC notes that when the regulatory exceptions for these two categories of interlocks were created in 1979, the Federal banking agencies jointly found that the exceptions were appropriate for the promotion of competition over the long term and that they encouraged the development and preservation of these types of depository organizations, thereby contributing to the convenience and needs of the public and financial communities. As we stated in the preamble to our 1999 amendments to this rule,[20] permitting interlocks that improve the quality of management in minority- and women-owned institutions enables these institutions to better serve traditionally underserved customers and markets.

The OCC continues to believe that the exception for a depository organization controlled or managed by members of a minority group or by women does not create an unfair advantage but instead recognizes that it has historically been more difficult for institutions controlled by women and minorities to recruit seasoned management and that, accordingly, competition to serve traditionally underserved markets may have suffered. Therefore, the OCC does not support the removal of this rebuttable presumption.

Appraisals

Both 12 CFR part 34, subpart C, and 12 CFR part 164, subpart A, contain substantively similar provisions that: (1) Address real estate-related financial transactions that require the services of an appraiser, (2) prescribe categories of transactions that either require an appraisal by a state certified appraiser or can be valued by a state licensed appraiser, and (3) prescribe minimum standards for the performance of a real estate appraisal in connection with a Federally related transaction entered into by an OCC-regulated institution. In order to consolidate national bank and Federal savings association rules, the OCC is applying part 34, subpart C, to Federal savings associations by amending § 34.41(a), the authority for subpart C, to include the relevant authority for both national banks and Federal savings associations. We also are removing 12 CFR part 164, including § 164.8, which addresses appraisal policies and practices of savings associations and subsidiaries and duplicates provisions in other OCC regulations and guidance.[21] This final rule also makes other technical changes to clarify or update the rule. None of these revisions would result in any substantive changes to the appraisal requirements currently applicable to

[12] 76 FR 48950 (Aug. 9, 2011).

[13] These rules implement the requirements of the BSA, as amended by section 326 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001.

[14] 68 FR 25090 (May 9, 2003).

[15] 12 U.S.C. 3201 *et seq.*

[16] 61 FR 40300 (Aug. 2, 1996).

[17] 12 U.S.C. 3204(9).

[18] 12 U.S.C. 1823(k)(1)(A)(v).

[19] 76 FR 48950 (Aug. 9, 2011). As indicated above, this interim final rule and request for comments restated the former OTS regulations as 12 CFR parts 100 through 197, with nomenclature and other technical changes.

[20] 64 FR 51673, at 51675 (Sept. 24, 1999).

[21] *See e.g.,* 2010 Interagency Appraisal and Evaluation Guidelines, OCC Bulletin 2010–42 (Dec. 10, 2010).

either national banks or Federal savings associations.[22]

Disclosure and Reporting of CRA-Related Agreements

The CRA ''sunshine'' provisions of GLBA impose certain disclosure and reporting requirements with respect to CRA-related agreements entered into by an insured depository institution or its affiliate with a non-governmental entity or person.[23] The law required each appropriate Federal banking agency to prescribe regulations implementing these CRA requirements. The appropriate Federal banking agencies, including the OCC and the OTS, satisfied this requirement by issuing joint, substantively identical regulations, which currently appear at 12 CFR part 35 for national banks and 12 CFR part 133 for Federal savings associations.[24] These rules differ from one another only with respect to their scope. Specifically, part 35 applies to national banks and their subsidiaries, while part 133 applies to Federal savings associations, their subsidiaries, and their affiliates.

In order to eliminate duplicative regulations, the OCC is removing part 133 and revising the scope provision of part 35 so that part 35 also applies to Federal savings associations and their subsidiaries. This scope provision is consistent with the scope of the CRA sunshine statute, which applies to insured depository institutions and their affiliates, including their subsidiaries.[25] The final rule does not carry over to part 35 the reference to Federal savings association affiliates in part 133 because the Dodd-Frank Act transferred authority over savings and loan holding companies and their non-depository institution subsidiaries to the Federal Reserve Board.[26] Affiliates of Federal savings associations therefore are subject to the Federal Reserve Board's substantively identical Regulation G.[27]

The OCC also is amending the § 35.11(e) definition of ''executive officer,'' which is currently defined in both parts 35 and 133 by cross-reference to the Federal Reserve Board's Regulation O.[28] The current Federal savings association regulation provides at § 133.11(e) that, for purposes of part 133, Regulation O's use of the term ''bank'' shall mean ''savings association.'' Without this proviso, the cross-reference to Regulation O would be incompatible with part 133. The OCC is including similar proviso language in revised part 35, so that the cross-reference to Regulation O continues to be compatible with the rule as applied to Federal savings associations. The final rule also makes other minor or technical changes to part 35, including the correction of a citation at § 35.11(j)(2)(iv).

Fair Credit Reporting

Twelve CFR part 41, subparts I and J, contain the OCC's national bank rules implementing the FCRA[29] and address the disposal of records containing consumer information and identity theft red flags. These provisions are substantively identical to the Federal savings association FCRA provisions at part 171, subparts I and J. In order to eliminate this redundancy, the OCC is applying part 41, subparts I and J, to both national banks and Federal savings associations and removing part 171.

We note that the Red Flag Program Clarification Act (RFPCA)[30] amended the definition of ''creditor'' for purposes of the Red Flag guidelines and regulations to clarify the scope of entities covered.[31] To be consistent with current law, this final rule revises the definition of ''creditor'' in the Red Flag guidelines, § 41.90(b)(5), to cross-reference the statutory definition as amended by the RFPCA. It makes no substantive amendment to the definition based on the RFPCA.

This final rule also amends part 41 to conform with section 1002(12)(F) of the Dodd-Frank Act, which, effective July 21, 2011, transferred to the Consumer Financial Protection Bureau (CFPB) the OCC's FCRA rulemaking authority for the remaining provisions in part 41.[32] The CFPB has issued rules implementing these FCRA provisions, with which both national banks and Federal savings associations now must comply.[33] Accordingly, the OCC is removing part 41, subpart C (affiliate marketing), subpart D (medical information), and subpart E (duties of furnishers of information), and § 41.82 (duties of users of consumer information regarding address discrepancies), as they are no longer in effect. In addition, we are amending part 41, subpart A, which contains general provisions that are no longer relevant in light of the transfer of the majority of the OCC's FCRA implementation authority to the CFPB. Specifically, we are removing § 41.1, which states the scope of current part 41, and moving § 41.2, which explains the role of the examples provided in the rule, to subpart J, where the remaining examples themselves are located. In addition, the OCC is moving the definitions of ''consumer'' and ''person'' from § 41.3 to subparts I and J, respectively, where these terms are used. The remaining definitions in § 41.3 are applicable only to transferred FCRA provisions and therefore are removed.

As a conforming change, the OCC is renaming subpart I and § 41.83 (the only section remaining in subpart I) to ''Proper disposal of records containing consumer information'' to more accurately reflect its content. In addition, the OCC is updating the cross-references in §§ 41.90(b)(5) and (b)(8) to reference CFPB rules, and making a technical change to a citation in Appendix J.

IV. Notice and Comment

Pursuant to the Administrative Procedure Act (APA), at 5 U.S.C. 553(b)(B), notice and comment are not required prior to the issuance of a final rule if an agency, for good cause, finds that ''notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' Because this final rule integrates nearly identical rules applicable to national banks and Federal savings associations and does not make any material changes to these rules, the OCC finds that public

[22] The OCC recently added subpart G to part 34 and subpart B to part 164 to implement the higher-priced loan appraisal requirements of section 1471 of the Dodd-Frank Act. *See* 78 FR 10368 (Feb. 13, 2013) and 78 FR 78520 (Dec. 25, 2013). The scope of subpart G of part 34 includes Federal savings associations, and part 164, subpart B, merely cross-references to part 34, subpart G. Therefore, subpart B of part 164 does not need to be integrated into part 34, and this interim final rule will remove all of part 164, both subparts A and B, from the OCC's rulebook. In addition, we note that the OCC, along with a number of other agencies, has published a proposed rule to implement section 1473 of the Dodd-Frank Act that would add a new subpart H, Appraisal Management Company Minimum Requirements, to part 34. Subpart H, as proposed, relates to the registration and supervision of appraisal management companies by states and is not specific to national banks or Federal savings associations. 79 FR 19521 (Apr. 9, 2014).

[23] The statutory CRA 'sunshine' provisions are codified in the FDI Act at 12 U.S.C. 1831y.

[24] 66 FR 2052 (Jan. 10, 2001).

[25] For purposes of this CRA statute, the relevant definition of the term ''affiliate'' is the definition given in the FDI Act, which, by cross-reference to the Bank Holding Company Act, defines the term as ''any company that controls, is controlled by, or is under common control with another company.'' *See* 12 U.S.C. 1813(w)(6), cross-referencing 12 U.S.C. 1841(k).

[26] Dodd-Frank Act, section 312(b), codified at 12 U.S.C. 5412(b).

[27] 12 CFR part 207.

[28] 12 CFR 215.2(e)(1).

[29] 15 U.S.C. 1681 *et seq.*

[30] Public Law 111–319 (Dec. 18, 2010).

[31] 15 U.S.C. 1681m(e)(4).

[32] The Dodd-Frank Act also transferred rulemaking authority for part 34, subpart F (registration of mortgage loan originators) and part 40 (privacy of consumer financial information) to the CFPB. We removed these rules from the OCC's rulebook through a prior rulemaking. *See* 79 FR 15639 (Mar. 21, 2014).

[33] 12 CFR part 1022.

notice and comment on this rulemaking is not necessary prior to its issuance.

Furthermore, the OCC finds that public notice and comment on the removal of certain FCRA provisions in 12 U.S.C. part 41 that transferred to the CFPB, and the resulting conforming changes to part 41, also are unnecessary. Because the Dodd-Frank Act transferred all Federal rulemaking for national banks for these FCRA provisions to the CFPB,[34] the existing OCC rules implementing these laws for national banks are no longer valid. These amendments are clerical in nature and will reduce any possible confusion that may result from having two sets of rules addressing these laws in the Code of Federal Regulations. In addition, we find that public notice and comment on the conforming amendment to the definition of ''creditor'' in § 41.90(b)(5) to reflect the new statutory definition[35] is unnecessary. This amendment is technical in nature as the statutory definition is now in effect and overrides the regulatory definition.

For these reasons, the OCC has good cause to conclude that advance notice and comment under the APA for this rulemaking are unnecessary.

V. Effective Date

This final rule is effective on June 16, 2014. Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4802) requires, subject to certain exceptions, that regulations imposing additional reporting, disclosure, or other requirements on insured depository institutions take effect on the first day of the calendar quarter after publication of the final rule. This rule does not impose additional reporting, disclosure, or other requirements and therefore section 302 of this Act does not apply.

VI. Regulatory Analysis

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (RFA),[36] an agency must prepare a regulatory flexibility analysis for all proposed and final rules that describe the impact of the rule on small entities, unless the head of an agency certifies that the rule will not have ''a significant economic impact on a substantial number of small entities.'' However, the RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to the APA.[37] Pursuant to the APA at 5 U.S.C. 553(b)(B), general notice and an opportunity for public comment are not required prior to the issuance of a final rule when an agency, for good cause, finds that ''notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' As discussed above, the OCC has determined for good cause that the APA does not require general notice and public comment on this final rule and, therefore, we are not publishing a general notice of proposed rulemaking. Thus, the RFA does not apply to this final rule.[38]

Unfunded Mandates Reform Act of 1995

Under the Unfunded Mandates Reform Act of 1995 (UMRA),[39] agencies consider whether a proposed rule includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (adjusted annually for inflation). If there is such a mandate, the agency prepares a budgetary impact statement, and also identifies and considers a reasonable number of regulatory alternatives before promulgating the rule. However, the UMRA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to the APA at 5 U.S.C. 553(b). As discussed above, the OCC has determined for good cause that the APA does not require general notice and public comment on this final rule and, therefore, we are not publishing a general notice of proposed rulemaking. Thus, the UMRA does not apply to this final rule. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.[40]

Paperwork Reduction Act

This final rule amends several regulatory provisions that have currently approved collections of information under the Paperwork Reduction Act (PRA).[41] The amendments adopted today do not introduce any new collections of information into the rules, nor do they amend the rules in a way that substantively modifies the collections of information that the Office of Management and Budget (OMB) has approved. Therefore, no PRA submissions to OMB are required regarding them, with the exception of removing obsolete citations.

VII. Redesignation Table

The following redesignation table is provided for reader reference. It lists the current savings association provision and identifies the provision in this final rule that would replace it.

Current rule	Final rule
Part 133	Part 35.
Part 136	Part 14.
§ 163.177	§ 21.21.
Part 164	Part 34, subpart C.
§ 164.1	§ 34.41.
§ 164.2	§ 34.42.
§ 164.3	§ 34.43.
§ 164.4	§ 34.44.
§ 164.5	§ 34.45.
§ 164.6	§ 34.46.
§ 164.7	§ 34.47.
§ 164.8	*See e.g.,* 2010 Interagency Appraisal and Evaluation Guidelines.
§ 164, subpart B	Part 34, subpart G.
Part 171, subpart I (§ 171.83).	§ 41.83.
Part 171, subpart J (§ 171.90–171.92).	Part 41, subpart J.
Part 196	Part 26.
§ 196.1	§ 26.1.
§ 196.2	§ 26.2.
§ 196.3	§ 26.3.
§ 196.4	§ 26.4.
§ 196.5	§ 26.5.
§ 196.6	§ 26.6.
§ 196.7	§ 26.7.
§ 196.8	§ 26.8.
§ 196.9	§ 26.4(j).

List of Subjects

12 CFR Part 14

Banks, Banking, Consumer protection, Insurance, National banks, Reporting and recordkeeping requirements.

12 CFR Part 21

Crime, Currency, National banks, Reporting and recordkeeping requirements, Security measures.

12 CFR Part 26

Antitrust, Holding companies.

12 CFR Part 34

Mortgages, National banks, Reporting and recordkeeping requirements.

12 CFR Part 35

Community development, Credit, Freedom of information, Investments,

[34] *See* Dodd-Frank Act sections 1002 and 1022, codified at 12 U.S.C. 5481 and 5512.

[35] *See* Public Law 111–319.

[36] Public Law 96–354 (Sept. 19, 1980), codified at 5 U.S.C. 603.

[37] 5 U.S.C. 603(a), 604(a).

[38] We have concluded, however, that the final rule does not have ''a significant economic impact on a substantial number of small entities'' and thus, if the RFA did apply, a regulatory flexibility analysis would not be required.

[39] 2 U.S.C. 1532.

[40] We have, however, concluded that the final rule does not include a Federal mandate that meets the UMRA threshold and thus, if the UMRA did apply, a budgetary impact statement would not be required.

[41] 44 U.S.C. 3501–3520; OMB Control Nos. 1557–0014; 1557–0180; 1557–0190; 1557–0219; 1557–0220; 1557–0230; 1557–0237; and 1557–0238.

National banks, Reporting and recordkeeping requirements.

12 CFR Part 41

Banks, Banking, Consumer protection, National banks, Reporting, Recordkeeping requirements.

12 CFR Part 133

Confidential business information, Freedom of information, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 136

Consumer protection, Insurance, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 163

Accounting, Administrative practice and procedure, Advertising, Conflict of interests, Crime, Currency, Investments, Mortgages, Reporting and recordkeeping requirements, Savings associations, Securities, Surety bonds.

12 CFR Part 160

Consumer protection, Investments, Manufactured homes, Mortgages, Reporting and recordkeeping requirements, Savings associations, Securities.

12 CFR Part 164

Appraisals, Mortgages, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 171

Consumer protection, Credit, Fair Credit Reporting Act, Privacy, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 196

Antitrust, Reporting and recordkeeping requirements, Savings associations.

For the reasons set forth in the preamble, and under the authority of 12 U.S.C. 93a and 5412(b)(2)(B), chapter I of title 12 of the Code of Federal Regulations is amended as follows:

PART 14—CONSUMER PROTECTION IN SALES OF INSURANCE

■ 1. Revise the authority citation for part 14 to read as follows:

Authority: 12 U.S.C. 1 *et seq.,* 24(Seventh), 92, 93a, 1462a, 1463, 1464, 1818, 1831x, and 5412(b)(2)(B).

■ 2. Revise § 14.10 to read as follows:

§ 14.10 Purpose and scope.

(a) *General rule.* This part establishes consumer protections in connection with retail sales practices, solicitations, advertising, or offers of any insurance product or annuity to a consumer by:

(1) Any national bank or Federal savings association; or

(2) Any other person that is engaged in such activities at an office of the national bank or Federal savings association, or on behalf of the national bank or Federal savings association.

(b) *Application to operating subsidiaries.* For purposes of § 5.34(e)(3) of this chapter for national banks and § 159.3(h) of this chapter for Federal savings associations, an operating subsidiary is subject to this part only to the extent that it sells, solicits, advertises, or offers insurance products or annuities at an office of a national bank or Federal savings association, or on behalf of a national bank or Federal savings association.

■ 3. Amend § 14.20 by:

■ a. Removing the word ''or'' in paragraph (f)(1)(i);

■ b. Redesignating paragraph (f)(1)(ii) as paragraph (f)(1)(iii) and by adding a new paragraph (f)(1)(ii);

■ c. Adding the phrase ''or Federal savings association'' after the word ''bank'' in newly designated paragraph (f)(1)(iii) and paragraphs (f)(2) and (i), wherever it appears; and

■ d. Redesignating paragraph (j) as paragraph (k) and by adding a new paragraph (j).

The additions read as follows:

§ 14.20 Definitions.

* * * * *

(f) * * *

(1) * * *

(ii) A Federal savings association; or

* * * * *

(j) *Federal savings association means* a Federal savings association or Federal savings bank chartered under section 5 of the Home Owners' Loan Act (12 U.S.C. 1464).

* * * * *

■ 4. Amend § 14.30 by revising paragraphs (a) introductory text, (a)(1), (b) introductory text, (b)(1), (b)(3) introductory text, and (b)(3)(i) to read as follows:

§ 14.30 Prohibited practices.

(a) *Anticoercion and antitying rules.* A covered person may not engage in any practice that would lead a consumer to believe that an extension of credit, in violation of section 106(b) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972) or section 5(q) of the Home Owners' Loan Act (12 U.S.C. 1464(q)), is conditional upon either:

(1) The purchase of an insurance product or annuity from the bank, Federal savings association, or any of their affiliates; or

* * * * *

(b) *Prohibition on misrepresentations generally.* A covered person may not engage in any practice or use any advertisement at any office of, or on behalf of, the bank, Federal savings association, or a subsidiary of the bank or Federal savings association that could mislead any person or otherwise cause a reasonable person to reach an erroneous belief with respect to:

(1) The fact that an insurance product or annuity sold or offered for sale by a covered person or any subsidiary of the bank or Federal savings association is not backed by the Federal government, the bank, or the Federal savings association, or the fact that the insurance product or annuity is not insured by the Federal Deposit Insurance Corporation (FDIC);

* * * * *

(3) In the case of a bank, Federal savings association, or subsidiary of the bank or Federal savings association at which insurance products or annuities are sold or offered for sale, the fact that:

(i) The approval of an extension of credit to a consumer by the bank, Federal savings association, or subsidiary may not be conditioned on the purchase of an insurance product or annuity by the consumer from the bank, Federal savings association, or a subsidiary of the bank or Federal savings association; and

* * * * *

■ 5. Amend § 14.40 by:

■ a. Revising paragraphs (a)(1) and (2), (b) introductory text, and (b)(1);

■ b. In paragraph (c)(4)(i), removing the number ''12'' and adding in its place the number ''15'';

■ c. In paragraph (c)(5), fourth bullet, removing the phrase ''BANK [OR'' and adding ''[BANK] [FEDERAL'' in its place; and

■ d. In paragraph (d), adding the phrase ''or Federal savings association'' at the end of the sentence.

The revisions read as follows:

§ 14.40 What a covered person must disclose.

(a) * * *

(1) The insurance product or annuity is not a deposit or other obligation of, or guaranteed by, the bank, Federal savings association, or an affiliate of the bank or Federal savings association;

(2) The insurance product or annuity is not insured by the FDIC or any other agency of the United States, the bank, Federal savings association, or (if applicable) an affiliate of the bank or Federal savings association; and

* * * * *

(b) *Credit disclosure.* In the case of an application for credit in connection with which an insurance product or annuity is solicited, offered, or sold, a covered person must disclose that the bank or Federal savings association may not condition an extension of credit on either:

(1) The consumer's purchase of an insurance product or annuity from the bank, Federal savings association, or any of their affiliates; or

* * * * *

§ 14.50 [Amended]

■ 6. Amend § 14.50 by:

■ a. Adding the phrase ''or Federal savings association'' after the word ''bank'', wherever it appears; and

■ b. In paragraph (a), adding the phrase ''or Federal savings association's'' after the word ''bank's''.

§ 14.60 [Amended]

■ 7. Amend § 14.60 by adding the phrase ''or Federal savings association'' after the word ''bank''.

■ 8. Revise appendix A to part 14 to read as follows:

Appendix A to Part 14—Consumer Grievance Process

Any consumer who believes that any bank, Federal savings association, or any other person selling, soliciting, advertising, or offering insurance products or annuities to the consumer at an office of the bank, Federal savings association or on behalf of the bank or Federal savings association has violated the requirements of this part should contact the Customer Assistance Group, Office of the Comptroller of the Currency, (800) 613–6743, 1301 McKinney Street, Suite 3450, Houston, Texas 77010–3031, or *www.helpwithmybank.gov.*

PART 21—MINIMUM SECURITY DEVICES AND PROCEDURES, REPORTS OF SUSPICIOUS ACTIVITIES, AND BANK SECRECY ACT COMPLIANCE PROGRAM

■ 9. Revise the authority citation for part 21 to read as follows:

Authority: 12 U.S.C. 1, 93a, 1462a, 1463, 1464, 1818, 1881–1884, and 3401–3422; 31 U.S.C. 5318.

■ 10. Amend § 21.21 by:

■ a. In paragraph (a), adding the phrase ''and savings associations'' after the word ''banks'';

■ b. Redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively;

■ c. Adding a new paragraph (b) to read as follows;

■ d. In newly designated paragraphs (c)(1):

■ i. Removing the phrase ''Each bank'' and replacing it with the phrase ''Each national bank and each savings association'';

■ ii. Removing the word ''bank's'' and replacing it with the phrase ''national bank's or savings association's''; and

■ iii. Removing the phrase ''the bank'' and replacing it with ''the national bank or savings association'';

■ e. In newly designated paragraphs (c)(2), removing the phrase ''Each bank'' and replacing it with the phrase ''Each national bank and each savings association''; and

■ f. In newly designated paragraph (d)(2), removing the word ''bank'' and replacing it with the phrase ''national bank or savings association''.

The addition reads as follows:

§ 21.21 Procedures for monitoring Bank Secrecy Act (BSA) compliance.

* * * * *

(b) *Definition of savings association.* For purposes of this subpart C, the term *savings association* means a savings association as defined in section 3 of the Federal Deposit Insurance Act (FDI Act), the deposits of which are insured by the Federal Deposit Insurance Corporation. It includes a Federal savings association or Federal savings bank, chartered under section 5 of the FDI Act, or a building and loan, savings and loan, or homestead association, or a cooperative bank (other than a cooperative bank which is a state bank as defined in section 3(a)(2) of the FDI Act) organized and operating according to the laws of the state in which it is chartered or organized, or a corporation (other than a bank as defined in section 3(a)(1) of the FDI Act) that the Board of Directors of the Federal Deposit Insurance Corporation and the Comptroller jointly determine to be operating substantially in the same manner as a savings association.

* * * * *

PART 26—MANAGEMENT OFFICIAL INTERLOCKS

■ 11. Revise the authority citation for part 26 to read as follows:

Authority: 12 U.S.C. 1, 93a, 1462a, 1463, 1464, 3201–3208, 5412(b)(2)(B).

§ 26.1 [Amended]

■ 12. Section 26.1 is amended:

■ a. In paragraph (a) by removing the phrase ''in 12 U.S.C. 93a'' and by replacing it with the phrase ''for national banks in 12 U.S.C. 93a and Federal savings associations in 12 U.S.C. 1462a and 5412(b)(2)(B)''; and

■ b. In paragraph (c) by adding the phrase '', Federal savings associations,'' after the word ''banks''.

§ 26.2 [Amended]

■ 13. Section 26.2 is amended:

■ a. In the first sentence of paragraph (a)(2), by adding the phrase ''or Federal savings association'' after the word ''bank'';

■ b. In the last sentence in paragraph (a)(2), by removing the phase ''group owns'' and replacing it with ''group, owns''; and

■ c. In paragraph (j)(1)(vi), by removing the phrase ''paragraph (k)(1)'' and replacing it with the phrase ''paragraph (j)(1)''.

■ 14. Section 26.4 is amended by adding paragraphs (i) and (j) to read as follows:

§ 26.4 Interlocking relationships permitted by statute.

* * * * *

(i) Any savings association that has issued stock in connection with a qualified stock issuance pursuant to section 10(q) of the HOLA, as provided by section 205(9) of the Interlocks Act (12 U.S.C. 3204(9)).

(j) A management official or prospective management official of a depository organization may enter into an otherwise prohibited interlocking relationship with a Federal savings association for a period of up to 10 years if such relationship is approved by the Federal Deposit Insurance Corporation pursuant to section 13(k)(1)(A)(v) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1823(k)(1)(A)(v)).

■ 15. Section 26.6 is amended by revising paragraph (c) to read as follows:

§ 26.6 General exemption.

* * * * *

(c) *Duration.* (1) Unless a specific expiration period is provided in the OCC approval, an exemption permitted by paragraph (a) of this section may continue so long as it does not result in either:

(i) A monopoly or substantial lessening of competition; or

(ii) An unsafe or unsound condition.

(2) If the OCC grants an interlock exemption in reliance upon a presumption under paragraph (b) of this section, the interlock may continue for three years, unless otherwise provided by the OCC in writing.

§ 26.8 [Amended]

■ 16. Section 26.8 is amended by adding the phrase '', Federal savings associations,'' after the word ''banks'' and by adding the phrase ''or Federal savings association'' after the word ''bank''.

PART 34—REAL ESTATE LENDING AND APPRAISALS

■ 17. Revise the authority citation for part 34 to read as follows:

Authority: 12 U.S.C. 1 *et seq.,* 25b, 29, 93a, 371, 1462a, 1463, 1464, 1465, 1701j–3, 1828(o), 3331 *et seq.,* and 5412(b)(2)(B).

■ 18. Amend § 34.41 by:

■ a. Revising paragraph (a); and

■ b. In paragraph (b) introductory text, adding the phrase ''of FIRREA'' after the phrase ''Title XI''.

The revision reads as follows.

§ 34.41 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued by the Office of the Comptroller of the Currency (the OCC) under 12 U.S.C. 1, 93a, 1462a, 1463, 1464, 1828(m), 5412(b)(2)(B), and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (Pub. L. 101–73, 103 Stat. 183 (1989)), 12 U.S.C. 3331 *et seq.*

* * * * *

§ 34.42 [Amended]

■ 19. Amend § 34.42 in paragraph (f)(1) by removing the word ''institution'' and adding in its place ''institutions''.

§ 34.43 [Amended]

■ 20. Amend § 34.43 by removing paragraph (f).

§ 34.44 [Amended]

■ 21. Amend § 34.44, in paragraph (a), by removing the address ''1029 Vermont Ave. NW., Washington, DC 20005'' and adding in its place ''(*www.appraisalfoundation.org*)''.

PART 35—DISCLOSURE AND REPORTING OF CRA-RELATED AGREEMENTS

■ 22. Revise the authority citation for part 35 to read as follows:

Authority: 12 U.S.C. 1, 93a, 1462a, 1463, 1464, 1831y, and 5412(b)(2)(B).

■ 23. Section 35.1 is amended by revising paragraphs (b) and (c) to read as follows:

§ 35.1 Purpose and scope of this part.

* * * * *

(b) *Scope of this part.* The provisions of this part apply to—

(1) A national bank and its subsidiaries;

(2) A Federal savings association and its subsidiaries; and

(3) Nongovernmental entities or persons (NGEPs) that enter into covered agreements with any entity listed in paragraphs (b)(1) or (b)(2) of this section.

(c) *Relation to Community Reinvestment Act.* This part does not affect in any way the Community Reinvestment Act of 1977 (CRA) (12 U.S.C. 2901 *et seq.*), part 25 (Community Reinvestment Act and Interstate Deposit Production Regulations) or part 195 (Community Reinvestment) of this chapter, or the OCC's interpretations or administration of that Act or these regulations.

* * * * *

■ 24. Section 35.2 is amended by revising paragraphs (a)(2)(ii) and (a)(4) to read as follows:

§ 35.2 Definition of covered agreement.

(a) * * *

(2) * * *

(ii) One or more NGEPs.

* * * * *

(4) The agreement is made pursuant to, or in connection with, the fulfillment of the CRA, as defined in § 35.4.

* * * * *

■ 25. Section 35.11 is amended by:

■ a. Revising paragraph (e); and

■ b. In paragraph (j)(2)(iv), removing the phrase ''paragraphs (i)(2)(i)'' and adding in its place the phrase ''paragraphs (j)(2)(i)''.

The revision reads as follows:

§ 35.11 Other definitions and rules of construction used in this part.

* * * * *

(e) *Executive officer.* The term ''executive officer'' has the same meaning as in § 215.2(e)(1) of Regulation O issued by the Board of Governors of the Federal Reserve System (12 CFR 215.2(e)(1)). In applying this definition under this part to a Federal savings association, the phrase ''Federal savings association'' shall be used in place of the term ''bank.''

* * * * *

PART 41—FAIR CREDIT REPORTING

■ 26. Revise the authority citation for part 41 to read as follows:

Authority: 12 U.S.C. 1 *et seq.,* 24(Seventh), 93a, 1462a, 1463, 1464, 1818, 1828, 1831p–1, 1881–1884, and 5412(b)(2)(B); 15 U.S.C. 1681m, 1681s, 1681t, and 1681w.

Subparts A, C, D, and E [Removed and Reserved]

■ 27. Remove and reserve subparts A, C, D, and E.

Subpart I—Proper Disposal of Records Containing Consumer Information

■ 28. The heading for subpart I is revised as set forth above.

§ 41.82 [Removed and Reserved]

■ 29. Remove and reserve § 41.82.

■ 30. Revise § 41.83 to read as follows:

§ 41.83 Proper disposal of records containing consumer information.

(a) *Definitions as used in this section.* (1) *Consumer* means an individual.

(2) *Federal savings association* means a Federal savings association or an operating subsidiary of a Federal savings association.

(3) *National bank* means a national bank, an operating subsidiary of a national bank, or a Federal branch or agency of a foreign bank.

(b) *In general.* Each national bank or Federal savings association must properly dispose of any consumer information that it maintains or otherwise possesses in accordance with the Interagency Guidelines Establishing Information Security Standards, as set forth in Appendix B to 12 CFR part 30, to the extent that the bank or savings association is covered by the scope of the Guidelines.

(c) *Rule of construction.* Nothing in this section shall be construed to:

(1) Require a national bank or Federal savings association to maintain or destroy any record pertaining to a consumer that is not imposed under any other law; or

(2) Alter or affect any requirement imposed under any other provision of law to maintain or destroy such a record.

Subpart J—Identity Theft Red Flags

■ 31. Amend § 41.90 by:

■ a. Revising paragraphs (a) and (b)(5) and (8);

■ b. Redesignating paragraphs (b)(9) and (10) as (b)(10) and (11); and

■ c. Adding a new paragraph (b)(9).

The revisions and addition read as follows:

§ 41.90 Duties regarding the detection, prevention, and mitigation of identity theft.

(a) *Scope.* This section applies to a financial institution or creditor that is a national bank; a Federal savings association; a Federal branch or agency of a foreign bank; or an operating subsidiary of any of these institutions that is not a functionally regulated subsidiary within the meaning of section 5(c)(5) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1844(c)(5)).

(b) * * *

(5) *Creditor* has the same meaning as in 15 U.S.C. 1681m(e)(4).

* * * * *

(8) *Identity theft* has the same meaning as in 12 CFR 1022.3(h).

(9) *Person* means any individual, partnership, corporation, trust, estate, cooperative, association, government, or governmental subdivision or agency, or other entity.

* * * * *

■ 32. Amend § 41.91 by revising paragraph (a) and adding paragraph (b)(3) to read as follows:

§ 41.91 Duties of card issuers regarding changes of address.

(a) *Scope.* This section applies to an issuer of a debit or credit card (card issuer) that is a national bank; a Federal savings association; a Federal branch or agency of a foreign bank; or an operating subsidiary of any of these institutions that is not a functionally regulated subsidiary within the meaning of section 5(c)(5) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1844(c)(5)).

(b) * * *

(3) *Consumer* means an individual.

* * * * *

■ 33. Add § 41.92 to read as follows:

§ 41.92 Examples.

The examples in Appendix J and Supplement A to Appendix J are not exclusive. Compliance with an example, to the extent applicable, constitutes compliance with this subpart. Examples in a paragraph illustrate only the issue described in the paragraph and do not illustrate any other issue that may arise in this subpart.

Appendices C and E to Part 41 [Removed and Reserved]

■ 34. Remove and reserve Appendixes C and E to part 41.

Appendix J to Part 41 [Amended]

■ 35. Amend Appendix J to part 41 by:

■ a. In section III, paragraph (a), removing the phrase ''(31 CFR 1020.220)''; and

■ b. In item 3. of Supplement A to Appendix J, removing the phrase ''as defined in § 41.82(b)'' and adding in its place the phrase ''as defined in 12 CFR 1022.82(b)''.

PART 133 [REMOVED]

■ 36. Remove part 133.

PART 136 [REMOVED]

■ 37. Remove part 136.

PART 160—LENDING AND INVESTMENT

■ 38. Revise the authority citation for part 160 to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464, 1467a, 1701j–3, 1828, 3803, 3806, 5412(b)(2)(B); 42 U.S.C. 4106.

§ 160.60 [Amended]

■ 39. In § 160.60, amend paragraph (c)(1)(i) by removing the phrase ''part 164 of this chapter'' and adding in its place ''part 34, subpart C of this chapter''.

§ 160.172 [Amended]

■ 40. Amend § 160.172 by removing the phrase ''part 164 of this chapter'' and adding in its place ''part 34, subpart C of this chapter''.

PART 163—SAVINGS ASSOCIATIONS—OPERATIONS

■ 41. Revise the authority citation for part 163 to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464, 1467a, 1817, 1820, 1828, 1831o, 3806, 5101 *et seq.,* 5412(b)(2)(B); 31 U.S.C. 5318; 42 U.S.C. 4106.

§ 163.177 [Removed]

■ 42. Remove § 163.177.

PART 164 [REMOVED]

■ 43. Remove part 164.

PART 171 [REMOVED]

■ 44. Remove part 171.

PART 196 [REMOVED]

■ 45. Remove part 196.

Date: May 13, 2014.

Thomas J. Curry,

Comptroller of the Currency.

[FR Doc. 2014–11406 Filed 5–15–14; 8:45 am]

BILLING CODE 4810–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 876

[Docket No. FDA–2014–N–0431]

Medical Devices; Gastroenterology-Urology Devices; Classification of the Colon Capsule Imaging System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the colon capsule imaging system into class II (special controls). The special controls that will apply to the device are identified in this order and will be part of the codified language for the colon capsule imaging system's classification. The Agency is classifying the device into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective June 16, 2014. The classification was effective beginning January 29, 2014.

FOR FURTHER INFORMATION CONTACT: Irene Bacalocostantis, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G244, Silver Spring, MD 20993–0002, 301–796–6814.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976 (the date of enactment of the Medical Device Amendments of 1976), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of the regulations.

Section 513(f)(2) of the FD&C Act, as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144, July 9, 2012), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1). Under the first procedure, the person submits a premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360) for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1) of the FD&C Act, the person requests a classification under section 513(f)(2). Under the second procedure, rather than first submitting a premarket notification under section 510(k) and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of

substantial equivalence and requests a classification under section 513(f)(2) of the FD&C Act. If the person submits a request to classify the device under this second procedure, FDA may decline to undertake the classification request if FDA identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence with the device or if FDA determines that the device submitted is not of ''low-moderate risk'' or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

In response to a request to classify a device under either procedure provided by section 513(f)(2) of the FD&C Act, FDA will classify the device by written order within 120 days. This classification will be the initial classification of the device.

Given Imaging Ltd. submitted a request on November 21, 2012, for classification of the PillCam® COLON 2 capsule endoscopy system under section 513(f)(2) of the FD&C Act. The manufacturer recommended that the device be classified into class II (Ref. 1).

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act. FDA classifies devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the de novo request, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on January 29, 2014, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding § 876.1330 (21 CFR 876.1330).

Following the effective date of this final classification administrative order, any firm submitting a premarket notification (510(k)) for a colon capsule imaging system will need to comply with the special controls named in the final administrative order.

The device is assigned the generic name colon capsule imaging system, and it is identified as a prescription, single-use ingestible capsule designed to acquire video images during natural propulsion through the digestive system. It is specifically designed to visualize the colon for the detection of polyps. It is intended for use only in patients who had an incomplete optical colonoscopy with adequate preparation, and a complete evaluation of the colon was not technically possible.

FDA has identified the following risks to health associated with this type of device and the measures required to mitigate these risks in Table 1:

TABLE 1—COLON CAPSULE IMAGING SYSTEM RISKS AND MITIGATION MEASURES

Identified risk	Mitigation measure
Adverse tissue reaction	Biocompatibility.
Equipment, malfunction leading to injury	Electrical safety, thermal and mechanical safety. Software validation, verification, and hazard analysis. Non-clinical testing. Labeling.
Interference with other devices and with this device (e.g., interference with image acquisition, patient information compromised).	Electromagnetic compatibility testing. Software validation, verification, and hazard analysis. Non-clinical testing.
Poor image acquisitions	Optical imaging performance testing Non-clinical testing. Labeling.
Failure to excrete	Labeling.
Misinterpretation of the captured images	Clinical performance data. Non-clinical testing. Labeling.
Possibility of missing a polyp, or falsely identifying a polyp	Clinical performance data. Software validation, verification, and hazard analysis. Labeling.
Abdominal pain, nausea, vomiting, choking	Clinical performance data. Labeling.

FDA believes that the following special controls, in addition to the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness:

- The capsule must be demonstrated to be biocompatible.
- Non-clinical testing data must demonstrate the mechanical and functional integrity of the device under physically stressed conditions. The following performance characteristics must be tested and detailed protocols must be provided for each test:

○ Bite test to ensure that the capsule can withstand extreme cases of biting.

○ pH resistance test to evaluate integrity of the capsule when exposed to a range of pH values.

○ Battery life test to demonstrate that the capsule's operating time is not constrained by the battery capacity.

□ Shelf-life testing to demonstrate that the device performs as intended at the proposed shelf-life date.

○ Optical testing to evaluate fundamental image quality characteristics such as resolution, field of view, depth of field, distortion, signal-to-noise ratio, uniformity, and image artifacts. A test must be performed to evaluate the potential of scratches, caused by travelling through the gastrointestinal tract, on the transparent window of the capsule and their impact on the optical and color performance.

○ An optical safety analysis must be performed based on maximum (worst-case) light exposure to internal gastrointestinal mucosa, and covering ultraviolet, visible, and near-infrared ranges, as appropriate. A mitigation analysis must be provided.

○ A color performance test must be provided to compare the color differences between the input scene and output image.

○ The video viewer must clearly present the temporal or spatial relationship between any two frames as a real-time lapse or a travel distance. The video viewer must alert the user when the specific video interval is captured at a frame rate lower than the nominal one due to communication errors.

○ A performance test evaluating the latency caused by any adaptive algorithm such as adjustable frame rate must be provided.

○ If the capsule includes a localization module, a localization performance test must be performed to verify the accuracy and precision of locating the capsule position within the colon.

○ A data transmission test must be performed to verify the robustness of the data transmission between the capsule and the recorder. Controlled signal attenuation should be included for simulating a non-ideal environment.

○ Software validation, verification, and hazards analysis must be provided.

○ Electrical equipment safety, including thermal and mechanical safety and electromagnetic compatibility (EMC) testing must be performed. If the environments of intended use include locations outside of hospitals and clinics, appropriate higher immunity test levels must be used. Labeling must include appropriate EMC information.

○ Information demonstrating immunity from wireless hazards.

• The clinical performance characteristics of the device for the detection of colon polyps must be established. Demonstration of the performance characteristics must include assessment of positive percent agreement and negative percent agreement compared to a clinically-acceptable alternative structural imaging method.

• Clinician labeling must include:

○ Specific instructions and the clinical and technical expertise needed for the safe use of the device.

○ A detailed summary of the clinical testing pertinent to use of the device, including the percentage of patients in which a polyp was correctly identified by capsule endoscopy, but also the percent of patients in which the capsule either missed or falsely identified a polyp with respect to the clinically acceptable alternative structural imaging method.

○ The colon cleansing procedure.

○ A detailed summary of the device technical parameters.

○ A detailed summary of the device- and procedure-related complications pertinent to use of the device.

○ An expiration date/shelf life.

• Patient labeling must include:

○ An explanation of the device and the mechanism of operation.

○ Patient preparation procedure.

○ A brief summary of the clinical study. The summary should not only include the percentage of patients in which a polyp was correctly identified by capsule endoscopy, but also the percent of patients in which the capsule either missed or falsely identified a polyp with respect to the clinically acceptable alternative structural imaging method.

○ A summary of the device- and procedure-related complications pertinent to use of the device.

Colon capsule imaging systems are prescription devices restricted to patient use only upon the authorization of a practitioner licensed by law to administer or use the device. (Proposed § 876.1330(a); see section 520(e) of the FD&C Act (21 U.S.C. 360j(e)) and § 801.109 (21 CFR 801.109) (Prescription devices).) Prescription-use restrictions are a type of general controls as defined in section 513(a)(1)(A)(i) of the FD&C Act.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, this device type is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification prior to marketing the device, which contains information about the prostate lesion documentation system they intend to market.

II. Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Paperwork Reduction Act of 1995

This final administrative order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120, and the collections of information in 21 CFR part 801, regarding labeling, have been approved under OMB control number 0910–0485.

IV. Reference

The following reference has been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and is available electronically at *http://www.regulations.gov.*

1. K123666: De Novo Request per 513(f)(2) of the Federal Food, Drug, and Cosmetic Act from Given Imaging Ltd., dated November 21, 2012.

List of Subjects in 21 CFR Part 876

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 876 is amended as follows:

PART 876—GASTROENTEROLOGY-UROLOGY DEVICES

■ 1. The authority citation for 21 CFR part 876 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Add § 876.1330 to subpart B to read as follows:

§ 876.1330 Colon capsule endoscopy system.

(a) *Identification.* A prescription, single-use ingestible capsule designed to acquire video images during natural propulsion through the digestive system. It is specifically designed to visualize the colon for the detection of polyps. It is intended for use only in patients who had an incomplete optical colonoscopy with adequate preparation, and a complete evaluation of the colon was not technically possible.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) The capsule must be demonstrated to be biocompatible.

(2) Non-clinical testing data must demonstrate the mechanical and functional integrity of the device under physically stressed conditions. The following performance characteristics

must be tested and detailed protocols must be provided for each test:

(i) Bite test to ensure that the capsule can withstand extreme cases of biting.

(ii) pH resistance test to evaluate integrity of the capsule when exposed to a range of pH values.

(iii) Battery life test to demonstrate that the capsule's operating time is not constrained by the battery capacity.

(iv) Shelf-life testing to demonstrate that the device performs as intended at the proposed shelf-life date.

(v) Optical testing to evaluate fundamental image quality characteristics such as resolution, field of view, depth of field, distortion, signal-to-noise ratio, uniformity, and image artifacts. A test must be performed to evaluate the potential of scratches, caused by travelling through the gastrointestinal tract, on the transparent window of the capsule and their impact on the optical and color performance.

(vi) An optical safety analysis must be performed based on maximum (worst-case) light exposure to internal gastrointestinal mucosa, and covering ultraviolet, visible, and near-infrared ranges, as appropriate. A mitigation analysis must be provided.

(vii) A color performance test must be provided to compare the color differences between the input scene and output image.

(viii) The video viewer must clearly present the temporal or spatial relationship between any two frames as a real-time lapse or a travel distance. The video viewer must alert the user when the specific video interval is captured at a frame rate lower than the nominal one due to communication errors.

(ix) A performance test evaluating the latency caused by any adaptive algorithm such as adjustable frame rate must be provided.

(x) If the capsule includes a localization module, a localization performance test must be performed to verify the accuracy and precision of locating the capsule position within the colon.

(xi) A data transmission test must be performed to verify the robustness of the data transmission between the capsule and the recorder. Controlled signal attenuation should be included for simulating a non-ideal environment.

(xii) Software validation, verification, and hazards analysis must be provided.

(xiii) Electrical equipment safety, including thermal and mechanical safety and electromagnetic compatibility (EMC) testing must be performed. If the environments of intended use include locations outside of hospitals and clinics, appropriate higher immunity test levels must be used. Labeling must include appropriate EMC information.

(xiv) Information demonstrating immunity from wireless hazards.

(3) The clinical performance characteristics of the device for the detection of colon polyps must be established. Demonstration of the performance characteristics must include assessment of positive percent agreement and negative percent agreement compared to a clinically acceptable alternative structural imaging method.

(4) Clinician labeling must include:

(i) Specific instructions and the clinical and technical expertise needed for the safe use of the device.

(ii) A detailed summary of the clinical testing pertinent to use of the device, including the percentage of patients in which a polyp was correctly identified by capsule endoscopy, but also the percent of patients in which the capsule either missed or falsely identified a polyp with respect to the clinically acceptable alternative structural imaging method.

(iii) The colon cleansing procedure.

(iv) A detailed summary of the device technical parameters.

(v) A detailed summary of the device- and procedure-related complications pertinent to use of the device.

(vi) An expiration date/shelf life.

(5) Patient labeling must include:

(i) An explanation of the device and the mechanism of operation.

(ii) Patient preparation procedure.

(iii) A brief summary of the clinical study. The summary should not only include the percentage of patients in which a polyp was correctly identified by capsule endoscopy, but also the percent of patients in which the capsule either missed or falsely identified a polyp with respect to the clinically acceptable alternative structural imaging method.

(iv) A summary of the device- and procedure-related complications pertinent to use of the device.

Dated: May 9, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–11173 Filed 5–15–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 880

[Docket No. FDA–2014–N–0438]

Medical Devices; General Hospital and Personal Use Devices; Classification of the Intravascular Administration Set, Automated Air Removal System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the intravascular administration set, automated air removal system into class II (special controls). The special controls that will apply to the device are identified in this order and will be part of the codified language for the intravascular administration set, automated air removal system's classification. The Agency is classifying the device into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective June 16, 2014. The classification was effective on March 4, 2014.

FOR FURTHER INFORMATION CONTACT: Alan Stevens, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 66, Rm. 2561, Silver Spring, MD 20993–0002, 301–796–6294.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976 (the date of enactment of the Medical Device Amendments of 1976), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i), to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21

U.S.C. 360(k)) and part 807 (21 CFR part 807) of the regulations.

Section 513(f)(2) of the FD&C Act, as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144, July 9, 2012), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1). Under the first procedure, the person submits a premarket notification under section 510(k) for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1), the person requests a classification under section 513(f)(2). Under the second procedure, rather than first submitting a premarket notification under section 510(k) and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence and requests a classification under section 513(f)(2). If the person submits a request to classify the device under this second procedure, FDA may decline to undertake the classification request if FDA identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence with the device or if FDA determines that the device submitted is not of ''low-moderate risk'' or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

In response to a request to classify a device under either procedure provided by section 513(f)(2) of the FD&C Act, FDA will classify the device by written order within 120 days. This classification will be the initial classification of the device.

In accordance with section 513(f)(1) of the FD&C Act, FDA issued an order on October 23, 2008, classifying the AirPurge System into class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device which was subsequently reclassified into class I or class II. On October 29, 2008, Anesthesia Safety Products, LLC submitted a request requesting classification of the AirPurge System under section 513(f)(2) of the FD&C Act. The manufacturer recommended that the device be classified into class II (Ref. 1).

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act. FDA classifies devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the request, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on March 4, 2014, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding 21 CFR 880.5445.

Following the effective date of this final classification order, any firm submitting a premarket notification (510(k)) for an intravascular administration set, automated air removal system will need to comply with the special controls named in this final order. The device is assigned the generic name intravascular administration set, automated air removal system, and it is identified as a prescription device used to detect and automatically remove air from an intravascular administration set with minimal to no interruption in the flow of the intravascular fluid. The device may include an air identification mechanism, software, an air removal mechanism, tubing, apparatus to collect removed air, and safety control mechanisms to address hazardous situations.

FDA has identified the following risks to health associated specifically with this type of device, as well as the mitigation measures required to mitigate these risks.

TABLE 1—IDENTIFIED RISKS AND MITIGATION MEASURES

Identified risk	Mitigation measures
Embolus	Hazard Argument. Software. Electromagnetic Compatibility. Human Factors. Labeling. Nonclinical Performance Testing.
Infusion Delivery Error	Hazard Argument. Software. Electromagnetic Compatibility. Human Factors. Labeling. Nonclinical Performance Testing.
Electric Shock	Hazard Argument. Electrical Safety. Electromagnetic Compatibility.
Adverse Tissue Reaction	Hazard Argument. Biocompatibility.
Infection	Sterilization. Shelf Life.

FDA believes that the following special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness:

1. Provide an argument demonstrating that all reasonably foreseeable hazards have been adequately addressed with respect to the persons for whose use the device is represented or intended and

the conditions of use for the device, which includes the following:

• Description of the device indications for use, design, and technology, use environments, and users in sufficient detail to determine that the device complies with all special controls.

• Demonstrate that controls are implemented to address device system hazards and their causes.

• Include a justification supporting the acceptability criteria for each hazard control.

• A traceability analysis demonstrating that all credible hazards have at least one corresponding control and that all controls have been verified and validated in the final device design.

2. Appropriate software verification, validation, and hazard analysis must be performed.

3. The device parts that directly or indirectly contact the patient must be demonstrated to be biocompatible.

4. Performance data must demonstrate the sterility of fluid path contacting components and the shelf life of these components.

5. The device must be designed and tested for electrical safety and electromagnetic compatibility (EMC).

6. Nonclinical performance testing data must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be tested:

• Device system and component reliability testing must be conducted.

• Fluid ingress protection testing must be conducted.

• Testing of safety controls must be performed to demonstrate adequate mitigation of hazardous situations, including sensor failure, flow control failure, improper device position, device malfunction, infusion delivery error, and release of air to the patient.

7. A human factors validation study must demonstrate that use hazards are adequately addressed.

8. The labeling must include the following:

• The device's air identification and removal response time.

• The device's minimum air volume identification sensitivity.

• The minimum and maximum flow rates at which the device is capable of reliably detecting and removing air.

• Quantification of any fluid loss during device air removal operations as a function of flow rate.

Intravascular administration set, automated air removal systems are prescription devices restricted to patient use only upon the authorization of a practitioner licensed by law to administer or use the device (21 CFR 880.5445(a); see section 520(e) of the FD&C Act (21 U.S.C. 360j(e)) and 21 CFR 801.109 (*Prescription devices.*)). Prescription-use restrictions are a type of general controls as defined in section 513(a)(1)(A)(i) of the FD&C Act.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, this device type is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the intravascular administration set, automated air removal system they intend to market.

II. Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120, and the collections of information in 21 CFR part 801, regarding labeling have been approved under OMB control number 0910–0485.

IV. Reference

The following reference has been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and is available electronically at *http://www.regulations.gov.*

1. K080644: De Novo Request per 513(f)(2) pursuant to the Agency's not substantially equivalent (NSE) determination, dated October 23, 2008, from Anesthesia Safety Products, LLC, dated October 29, 2008.

List of Subjects in 21 CFR Part 880

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 880 is amended as follows:

PART 880—GENERAL HOSPITAL AND PERSONAL USE DEVICES

■ 1. The authority citation for 21 CFR part 880 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Add § 880.5445 to subpart F to read as follows:

§ 880.5445 Intravascular Administration Set, Automated Air Removal System.

(a) *Identification.* An intravascular administration set, automated air removal system, is a prescription device used to detect and automatically remove air from an intravascular administration set with minimal to no interruption in the flow of the intravascular fluid. The device may include an air identification mechanism, software, an air removal mechanism, tubing, apparatus to collect removed air, and safety control mechanisms to address hazardous situations.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Provide an argument demonstrating that all reasonably foreseeable hazards have been adequately addressed with respect to the persons for whose use the device is represented or intended and the conditions of use for the device, which includes the following:

(i) Description of the device indications for use, design, and technology, use environments, and users in sufficient detail to determine that the device complies with all special controls.

(ii) Demonstrate that controls are implemented to address device system hazards and their causes.

(iii) Include a justification supporting the acceptability criteria for each hazard control.

(iv) A traceability analysis demonstrating that all credible hazards have at least one corresponding control and that all controls have been verified and validated in the final device design.

(2) Appropriate software verification, validation, and hazard analysis must be performed.

(3) The device parts that directly or indirectly contact the patient must be demonstrated to be biocompatible.

(4) Performance data must demonstrate the sterility of fluid path contacting components and the shelf life of these components.

(5) The device must be designed and tested for electrical safety and electromagnetic compatibility (EMC).

(6) Nonclinical performance testing data must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be tested:

(i) Device system and component reliability testing must be conducted.

(ii) Fluid ingress protection testing must be conducted.

(iii) Testing of safety controls must be performed to demonstrate adequate mitigation of hazardous situations, including sensor failure, flow control failure, improper device position, device malfunction, infusion delivery error, and release of air to the patient.

(7) A human factors validation study must demonstrate that use hazards are adequately addressed.

(8) The labeling must include the following:

(i) The device's air identification and removal response time.

(ii) The device's minimum air volume identification sensitivity.

(iii) The minimum and maximum flow rates at which the device is capable of reliably detecting and removing air.

(iv) Quantification of any fluid loss during device air removal operations as a function of flow rate.

Dated: May 9, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–11174 Filed 5–15–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 79

[Docket ID: DOD–2011–OS–0124]

RIN 0790–AI81

Child Development Programs (CDPs)

AGENCY: Office of the Secretary, Department of Defense (DoD).

ACTION: Interim final rule.

SUMMARY: This interim final rule updates policy, responsibilities, and procedures for providing care to minor children birth through age 12 years of individuals who are eligible for care in DoD CDPs to include center-based care, family child care (FCC), school-age care (SAC), supplemental child care, and community based care; authorizes the publication of supporting guidance for the implementation of CDP policies and responsibilities, including child development training modules, program aids, and other management tools; and establishes the DoD Effectiveness Rating and Improvement System (ERIS).

DATES: *Effective date:* This rule is effective May 16, 2014.

Comment date: Comments must be received by July 15, 2014.

ADDRESSES: You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, 2nd Floor, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Eddy Mentzer, 571–372–0857.

SUPPLEMENTARY INFORMATION:

Justification for Interim Final Rule

This interim final rule provides overarching policy to the Military Departments in the execution of their roles in providing quality child development programs that ensure the safety and well-being of children in the DoD's care. A 2012 Secretary of Defense directed audit of criminal background check processes for all DoD Child and Youth Services personnel revealed the need areas for all applicable directives to be updated to ensure current and accurate policy is incorporated. The White House and Secretary of Defense directed a priority review of the management and oversight of child and youth programs in 2013. The review noted variation in Service-level approaches to oversight inspections including headquarters-level comprehensive inspections and installation-level fire, health, and safety inspections. The report recommended the OSD promulgate guidance to ensure standardization and clarity. Defense child development program staff and leadership have committed to the SECDEF and White House that they are committed to improving the consistency by which these services are delivered and to ensure the safety and well-being of children in our care. This interim final rule addresses these recommendations and creates a stronger environment of standardization across the services.

This interim final rule identifies the applicability of 32 CFR part 56, ''Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or conducted by the Department of Defense'' that implement section 504 of the Rehabilitation Act for federally conducted and federally assisted programs as they apply to children and youth with special needs. This interim final rule expands previous policy by (1) Requiring procedures for reviewing and making reasonable accommodation of children with special needs that do not fundamentally alter the nature of the program; (2) considering the needs of the child, the disability, and the environment of group care in child development facilities or home-based care, staffing needs and training requirements, and resources of the program; and (3) including Child Development Programs as part of the multi-disciplinary Inclusion Action Team that supports families of children with special needs.

This interim final rule extends child care benefits to same-sex spouse of Military Service members. At the direction of the President, the Department has conducted a careful and deliberative review of benefits currently provided. The Department has now identified family member and dependent benefits that we can lawfully provide to same-sex spouse and their children through changes in DoD policies and regulations. These benefits shall be extended to same-sex spouse and, where applicable, children of same-sex spouses.

Executive Summary

I. Purpose of the Regulatory Action

a. This interim final rule proposes to: (a) update policy, responsibilities, and procedures for providing care to minor children birth through age 12 years of individuals who are eligible for care in Department of Defense Child Development Programs (CDP) to include center-based care, family child care (FCC), school-age care (SAC),

supplemental child care, and community based care; (b) authorize the publication of supporting guidance for the implementation of CDP policies and responsibilities, including child development training modules, program aids, and other management tools; and (c) establish the DoD Effectiveness Rating and Improvement System (ERIS).

b. The legal authority for the regulatory action is found in 10 U.S.C. 1783, 1791 through 1800, 2809, and 2812.

II. Summary of the Major Provisions of the Regulatory Action In Question

a. The rule combines the instructions for DoD's Child Development Programs and School-Age Care Programs. This will ensure continuity of operations among programs providing child care services to children from the ages of birth to 12 years.

b. The rule implements sections 1791 through 1800 of Title 10 of the United States Code, commonly referred to as the Military Child Care Act. The updates reiterate the DoD's goal to support the personnel and mission of DoD by providing child development programs to eligible patrons and reaffirms the parent/sponsor's shared role in providing for the cost of child care. The rule affirms and does not alter the oversight requirements to ensure continued compliance with Federal mandates and statutory requirements and provides clarifying guidance related to staff qualifications, training and compensation. No changes were made to policy related to the early identification and reporting of alleged child abuse and neglect in DoD CDPs, requirements to meet national accreditation standards, and funding requirements as directed in sections 1791 through 1800 of Title 10 U.S.C.

c. The authority to provide supporting guidance for the implementation of CDP policies and responsibilities, including child development training modules, program aids, and other management tools is reaffirmed with no changes.

d. The rule establishes the DoD Effectiveness Rating and Improvement System (ERIS), for use in assessing facility-based child care in communities outside of the military installation. The ERIS is compatible with *Thirteen Indicators of Quality Child Care: Research Update* (Fiene, 2002) and many state licensing requirements. This assessment supports the States' efforts to develop and improve Quality Rating and Improvement Systems (QRIS) for child care programs and provides a foundation of research-based indicators of quality. Through the use of the ERIS recommendations and State QRIS and other quality improvement efforts, DoD can identify child care providers who meet quality indicators and may be eligible to receive subsidy payments to buy down the cost of care for military families.

e. This rule extends benefits to same-sex domestic partners of Military Service members and DoD civilians, at the direction of the President and the Secretary of Defense.

III. Costs and Benefits

This rule is intended to support the workforce and mission of the DoD. Quality child care programs within the DoD reduce the stress of families who have the primary responsibility for the health, safety and well-being of their children and help them balance the competing demands of family life and the DoD mission. CDPs provide access and referral to available, affordable, quality programs and services that meet the basic needs of children, from birth through age 12 years, in a safe, healthy, and nurturing environment.

The DoD Child Care Program is funded through a combination of DoD funding and user fees charged to parents. The annual user cost is estimated at approximately $9,636,000 for DoD retirees and contractors. This total includes 235 retirees (100 in Child Development Centers and 135 in School Age Programs) and 2,174 contractors (1,583 in Child Development Centers and 591 in School Age Programs). The annual cost is estimated at $4,000 per child. The user cost varies and is determined by calculating total family income. Costs for the annual reporting requirement as estimated to be $24,000 per year (all costs are attributed to the Military Services). The vast majority of users are made up of military members. Other user groups are active duty military and DoD Civilians.

Regulatory Procedures

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

It has been determined that 32 CFR part 79 is a significant regulatory action as it does raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in these Executive Orders.

However, 32 CFR part 79 does not:

(1) Have an annual effect on the economy of $100 million or more;

(2) Adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(3) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(4) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof.

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

It has been certified that 32 CFR part 79 does not contain a Federal mandate that may result in expenditure by State, local and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 United States Code (U.S.C.) 601)

It has been certified that 32 CFR part 79 is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. Costs are to the users of the child development facilities. The vast majority of users are made up of military members. Other user groups are DoD Civilians, retirees and contractors.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

Sections 79.6(c)(2)(i)(A) and 79.6(c)(6) of this interim final rule contain information collection requirements. DoD has submitted the following proposal to OMB under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

DD FORM 2606

Title: Department of Defense Child Development Program Request for Care Record.

Type of Request: New.

Number of Respondents: Approximately 2,500 annually.

Responses per Respondent: 1.

Annual Responses: Approximately 2,500.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 416 hours.

Needs and Uses: To collect applicant information for CDPs and place applicants on waiting lists for program services. Information compiled from applicants is also used to assist management determination of effectiveness of present and projection of future program requirements.

Affected Public: Patrons at DoD CDPs.

Frequency: Once, upon request for care at DoD CDPs and annually thereafter.

Respondent's Obligation: Disclosure is voluntary; however, failure to furnish requested information will result in an incomplete request for care record and possible loss of placement on CDP waiting lists.

DD FORM 2652

Title: Application for Department of Defense Child Care Fees.

Type of Request: New.

Number of Respondents: Approximately 2,500 annually.

Responses per Respondent: 1.

Annual Responses: Approximately 2,500.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 416 hours.

Needs and Uses: A family's child care fee category is determined based on an initial and subsequent annual verification of total family income (TFI). Families pay the child care fee assigned to that TFI category. A family's fees may only be adjusted once per year, with exceptions listed in paragraph (c)(2)(i)(E) of this section. Total Family Income is determined utilizing DD Form 2652.

Affected Public: Patrons at DoD CDPs.

Frequency: Once, upon initial enrollment at DoD CDPs and annually thereafter.

Respondent's Obligation: Disclosure is voluntary; however, failure to furnish requested information will result in the respondent being placed in the highest category for CDP fees.

DD FORM X656

Title: Basic Criminal History and Statement of Admission.

Type of Request: New.

Number of Respondents: Approximately 5,000 annually.

Responses per Respondent: 1.

Annual Responses: 5,000.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 832 hours.

Needs and Uses: The form will be used to collect general information in regards to criminal background checks, prior convictions for crimes and references, which, by law, are required for child care workers. Additionally, the form will be used to track statements of conviction on an annual basis.

Affected Public: Applicants to DoD CDPs.

Frequency: Once, upon initial application and annual recertification thereafter.

Respondent's Obligation: Required to obtain or retain benefits; failure to furnish requested information or providing incorrect information will result in the individual being prevented from working within a DoD CDP.

OMB Desk Officer:

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, DoD Desk Officer, Room 10102, New Executive Office Building, Washington, DC 20503, with a copy to Eddy Mentzer at the Office of the Deputy Assistant Secretary of Defense, Military Community and Family Policy, Office of Children and Youth, 4800 Mark Center Drive—Room 3G015, Alexandria, VA 22350. Comments can be received from 30 to 60 days after the date of this notice, but comments to OMB will be most useful if received by OMB within 30 days after the date of this notice.

You may also submit comments, identified by docket number and title, by the following method:

* Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Eddy Mentzer, Office of the Deputy Assistant Secretary of Defense, Military Community and Family Policy, Office of Children and Youth, 4800 Mark Center Drive—Room 03G15, Alexandria, VA 22350. Phone: 571.372.0857.

Executive Order 13132, ''Federalism''

It has been certified that 32 CFR part 79 does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

(1) The States;

(2) The relationship between the National Government and the States; or

(3) The distribution of power and responsibilities among the various levels of Government.

List of Subjects in 32 CFR Part 79

Child development programs, Child welfare, Infants and children.

Accordingly, 32 CFR part 79 is added to read as follows:

PART 79—CHILD DEVELOPMENT PROGRAMS (CDPs)

Sec.
79.1 Purpose.
79.2 Applicability.
79.3 Definitions.
79.4 Policy.
79.5 Responsibilities.
79.6 Procedures.

Authority: 10 U.S.C. 1783, 1791 through 1800, 2809, and 2812.

§ 79.1 Purpose.

This part:

(a) Reissues DoD Instruction (DoDI) 6060.2 in accordance with the authority in DoD Directive (DoDD) 5124.02, ''Under Secretary of Defense for Personnel and Readiness (USD(P&R))'' (available at *http://www.dtic.mil/whs/directives/corres/pdf/512402p.pdf*) and DoD Instruction 1342.22, ''Military Family Readiness'' (available at *http://www.dtic.mil/whs/directives/corres/pdf/134222p.pdf*) and the requirements of DoDD 1020.1

(b) Updates established policy, assigns responsibilities, and prescribes procedures for providing care to minor children (birth through age 12 years) of individuals who are eligible for care in DoD CDPs. This includes:

(1) Center-based care and community-based care.

(2) Family child care (FCC).

(3) School-age care (SAC).

(4) Supplemental child care.

(c) Cancels DODI 6060.3

(d) Implements 10 United States Code (U.S.C.) 1791 through 1800.

(e) Authorizes the publication of supporting guidance for the implementation of CDP policies and responsibilities, including child development training modules, program aids, and other management tools.

(f) Establishes the DoD Effectiveness Rating and Improvement System (ERIS), in accordance with 10 U.S.C. 1791 through 1800.

§ 79.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint

Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereinafter referred to collectively as the ''DoD Components'').

§ 79.3 Definitions.

Unless otherwise noted, these terms and their definitions are for the purpose of this part.

Accreditation. Verification that a CDP has been assessed by an appropriate, external national accrediting body and meets the standards of quality established by that body.

Affiliated family child care (FCC). Home-based child care services that are provided by licensed individuals in homes located off of the installation, who agree to comply with the standards outlined in this part.

Appropriated funds (APF). Funds appropriated by Congress and received by the U.S. Government as tax dollars.

APF employees. Civilian employees hired by DoD Components with APF. Includes temporary employees, 18 years or older.

Caregiver. For the purpose of determining priority, a parent or an individual who performs the functions of a parent.

Caregiving personnel. Civilian employees of a CDP who are directly involved with the care and supervision of children and are counted in the staff to child ratios.

Child development program (CDP). Child care services for children of DoD personnel from birth through 12 years of age.

CDP employee. A civilian employed by the DoD to work in a DoD CDP (regardless of whether the employee is paid from APF or NAF).

Child(ren). A person under 18 years of age for whom a parent, guardian, or foster parent, is legally responsible.

Child care fees. NAF derived from fees paid by Military members and other authorized users of child care services provided at a military CDC or other DoD-approved facility-based CDP. Also referred to as user fees or parent fees.

Child care hour. One hour of care provided to one child. If a provider cares for six children for 10 hours, that is the equivalent of 60 child care hours.

Combat related wounded warrior. A term referring to the entire population of wounded, ill and injured Service members and veterans who have incurred a wound, illness, or injury for which the member was awarded the Purple Heart or whose wound, illness, or injury was incurred as a direct result of armed conflict or while engaged in hazardous service or in the performance of duty under conditions simulating war, or through an instrumentality of war.

Direct care personnel. Staff members whose main responsibility focuses on providing care to children and youth.

DoD CDP Employee Wage Plan. The wage plan that uses a NAF pay banding system to provide direct service personnel with rates of pay substantially equivalent to other employees at the installation with similar training, seniority, and experience. Pay increases and promotions are tied to completion of training. Completion of training is a condition of employment. This wage plan does not apply to CDPs constructed and operated by contractors under DoDI 1015.15, ''Establishment, Management and Control of Nonappropriated Fund Instrumentalities and Financial Management of Supporting Resources'' (see *http://www.dtic.mil/whs/directives/corres/pdf/101515p.pdf*).

DoD Certification to Operate. Certification issued to each DoD CDP after the program has been inspected by a representative(s) of the DoD Component or a major command, and found to be in compliance with DoD standards in § 79.6, paragraphs (a), (c)–(f), (i) and (j).

DoD Child Abuse and Safety Hotline. A hotline (found at DoD's Military Homefront Web site) required by 10 U.S.C. 1794 that enables parents and visitors to anonymously report suspected child abuse or safety violations at a military CDP or home.

Eligible patron. Patrons who qualify for CDP services, to include active duty Military Service members, DoD civilian employees paid from APF and NAF, Reserve Component Military Service members on inactive duty training, combat related wounded warriors, surviving spouses of military members who died from a combat related incident, eligible employees of DoD contractors, other Federal employees, and those acting in loco parentis of the aforementioned eligible patrons.

Eligible employee of a DoD contractor. An employee of a DoD contractor or subcontractor, or individual under contract or subcontract to DoD, who requires physical access to DoD facilities at least two days out of a work week.

Facility-based program. Refers to child care that is provided within a building, structure, or other improvement to real property. Does not include FCC homes.

Family child care (FCC). Home-based child care services that are provided for Military Service members, DoD civilian employees, or eligible employees of a DoD contractor by an individual who is certified by the Secretary of the Military Department or Director of the Defense Agency or DoD Field Activity concerned as qualified to provide those services, and provides those services for 10 hours or more per week per child on a regular basis for compensation. Also referred to as family home day care, family home care, child development homes, and family day care.

FCC administrator. DoD civilian employees or contract personnel, either APF or NAF, who are responsible for FCC program management, training, inspections, and other services to assist FCC providers. Includes program directors, monitors, outreach workers, United States Department of Agriculture (USDA) CACFP monitors, and administrative personnel.

FCC provider. An individual 18 years of age or older who provides child care for 10 hours or more per week per child on a regular basis in his or her home with the approval and certification of the commanding officer, and has responsibility for planning and carrying out a program that meets the children's needs at their various stages of development and growth.

Family member. For a Military Service member, the member's spouse or unmarried dependent child, or an unmarried dependent child of the member's spouse. For an eligible DoD civilian employee or eligible employee of a DoD contractor, the employee's spouse or same-sex domestic partner, or unmarried dependent child of the employee, employee's spouse, or the employee's same-sex domestic partner.

Financial hardship. A severe hardship resulting from, but not limited to: Sudden and unexpected illness or accident of the spouse or the same-sex domestic partner of an eligible DoD Civilian employee; loss of the spouse's or eligible DoD Civilian's same-sex domestic partner's employment or wages; property damage not covered by insurance; extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the patron.

Full-day care. This care meets the needs of parents working outside the home who require child care services 6 hours or more per day on a regular basis, usually at least 4 days per week.

Hourly care. Care provided in a CDP that meets the needs of parents requiring short-term child care services on an intermittent basis. Hourly care includes on-site group care.

Individual with a disability. A handicapped person as defined in 32 CFR part 56, in accordance with 29 U.S.C. 705, also known as ''Section 7 of

The Rehabilitation Act of 1973,'' as amended, and consistent with 42 U.S.C. 12102, also known as ''The Americans with Disabilities Act, as amended''. Synonymous with the phrase ''person with a disability.''

Identification Action Team. A multidisciplinary team that supports families of children with special needs that consider the needs of the child, the disability, and the environment of group care in child development facilities or home-based care, staffing needs and training requirements, and the resources of the program.

Infant. A child, aged birth through 12 months.

In loco parentis. In the place or position of a parent. An ''in loco parentis'' relationship is one in which a person takes on the role of a lawful parent by assuming the obligations and discharging the duties of a parent without formally becoming an adoptive parent or legal guardian. The child(ren) must reside with and be supported by the person. A special power of attorney to act ''in loco parentis'' is required to be on file.

Military approved community based program. Military approved child care available to geographically dispersed eligible families.

Military CDP facility. A facility on a military installation or operated by a DoD Component at which child care services are provided for Military Service members or DoD civilian employees or any other facility at which such child care services are provided that is operated by the Secretary of a Military Department.

Military installation. Defined in 32 CFR 238.3.

Mixed-age group. A group of children that includes children from more than one age group.

Multidisciplinary inspection team. An inspection team led by a representative of the installation commander with authority to verify compliance with standards.

Non-appropriated funds (NAF). Funds derived from CDP fees paid by eligible patrons.

NAF employees. Civilian employees hired by DoD Components and compensated from NAFI funds. Includes temporary employees, 18 years or older.

Off-site group care. An option which provides child care on an occasional rather than a daily basis and allows on-site hourly group care when parents of children in care are attending command functions in the same facility.

On-site group care. A child care program that provides on-site hourly group child care when a parent or guardian of the children in care are attending the same function and are in the same facility.

Operational hardship. A program's inability to operate at full capacity due to documented staffing shortages.

Parent. The biological father or mother of a child; a person who, by order of a court of competent jurisdiction, has been declared the father or mother of a child by adoption; the legal guardian of a child; or a person in whose household a child resides at least 25 percent of the time in any month, provided that such person stands in loco parentis to that child and contributes at least one-half of the child's support.

Parent board. A group established pursuant to 10 U.S.C. 1783 and 1795 comprised of parents who are also Military Service members, retired Military Service members, or spouses of Military Service members or retired Military Service members of children attending DoD CDPs, including FCC. This board shall act in an advisory capacity, providing recommendations for improving services. The board shall meet periodically with staff of the CDP. The board, with the advice of the program staff, shall be responsible for developing and overseeing the implementation of the parent participation program in accordance with 10 U.S.C. 1795.

Parent participation plan. A planned group of activities and projects established by the Parent Board to encourage parents to volunteer in CDPs, including special events and activities (such as field trips, holiday events, and special curriculum programs), small group activities, special projects (such as playground improvement, procurement of equipment, and administrative aid), and parent education programs and training workshops to include child abuse prevention education for parents.

Part-day care. This care meets the needs of parents working outside the home who require child care services on a seasonal or regularly scheduled part-day basis for fewer than 6 hours per day, usually fewer than 4 days per week.

Preschool-age. Children 36 months through 5 years of age.

Pre-toddler. A child 13 months through 24 months of age.

Qualifying children. Children of an eligible patron or their spouse or the same-sex domestic partner of eligible DoD civilian employees.

Resource and referral (R&R). A service that provides information about child care services on and off the installation to meet patrons' child care needs and maximize use of available sources of child care.

Respite child care. Care for children that provides a parent or guardian temporary respite from their role as a primary caregiver.

Same-sex domestic partner. A person in a same-sex domestic partnership with a uniformed service member, civilian employee or employee of a DoD contractor of the same-sex.

Same-sex domestic partnership. A committed relationship between two adults of the same-sex in which the partners:

(1) Are each other's sole same-sex domestic partner and intend to remain so indefinitely;

(2) Are not married (legally or by common law) to, joined in civil union with, or in a same-sex domestic partnership with anyone else;

(3) Are at least 18 years of age and mentally competent to consent to contract;

(4) Share responsibility for a significant measure of each other's common welfare and financial obligations;

(5) Are not related in a way that, if they were of opposite sex, would prohibit legal marriage in the state or U.S. jurisdiction in which they reside; and,

(6) Maintain a common residence and intend to continue the arrangement (or would maintain a common residence but for the requirements of military service, an assignment abroad, or other employment-related, financial, or similar obstacle).

School age care (SAC). Either facility-based or home-based care for children ages 6–12, or those attending kindergarten, who require supervision before and after school, or during duty hours, school holidays, or school closures.

School-age children. Children aged 6 years through 12, or attending kindergarten through sixth grade, enrolled in a SAC program.

Screen time. Time spent watching television, playing video games, or on the computer.

Special needs. Children with special needs are children who may need accommodations to make child care accessible or may otherwise require more than routine and basic care; including children with or at risk of disabilities, chronic illnesses and physical, developmental, behavioral, or emotional conditions that require health and related services of a type or amount beyond that required by children in general.

Staff:child ratio. The number of children for whom individual caregiving personnel or FCC providers shall be responsible.

Sudden Infant Death Syndrome (SIDS). The sudden, unexplained death of an infant younger than 1 year old.

Supplemental child care. Child care programs and services that augment and support CDC and FCC programs to increase the availability of child care for military and DoD civilian employees. These may include, but are not limited to, resource and referral services, contract-provided services, short-term, hourly child care at alternative locations, and interagency initiatives.

Support staff. Person(s) responsible for providing services not directly related to direct child care services, such as, but not limited to, janitorial, food service, clerical, and administrative duties.

Surviving spouse. A spouse of a Service member who dies on active duty, active duty training, inactive duty training, or within 120 days after release from active duty if the death is due to a service-related disability.

Third party administrator (TPA). An independent organization or entity contracted to perform identified services on behalf of the plan administrator. These services may include clerical and administrative functions such as enrollment and claims administration, payment of subsidies to providers and information services.

Toddler. A child between the ages of 24 and 36 months of age.

Total family income (TFI). Includes all earned income including wages, salaries, tips, long-term disability benefits, voluntary salary deferrals, basic allowance for housing Reserve Component/Transit (BAH RC/T) and subsistence allowances and in-kind quarters and subsistence received by a Military Service member, civilian employee, a spouse, or, in the case of an eligible DoD civilian employee, the same-sex domestic partner, and anything else of value, even if not taxable, that was received for providing services. BAH RC/T and subsistence allowances mean the Basic Allowance for Quarters and the Basic Allowance for Subsistence received by military personnel and civilian personnel when provided (with respect to grade and status) and the value of meals and lodging furnished in-kind to military personnel residing on military bases.

Training & curriculum specialist—Personnel whose main responsibility is providing training and oversight to other CDC or SAC employees.

Unmet need. The number of children whose parents cannot work outside the home because child care is not available.

Waiting list. List of children waiting for a CDP space and whose parents have requested space in a CDP and none is available.

§ 79.4 Policy.

In accordance with DoD Instruction 1342.22, and 10 U.S.C. 1783, 1791 through 1800, 2809, and 2812, it is DoD policy to:

(a) Ensure that the CDPs support the mission readiness, family readiness, retention, and morale of the total force during peacetime, overseas contingency operations, periods of force structure change, relocation of military units, base realignment and closure, and other emergency situations (e.g. natural disasters, and epidemics). Although child care supports working parents, it is not an entitlement and parents must pay their share of the cost of child care.

(b) Reduce the stress of families who have the primary responsibility for the health, safety and well-being of their children and help them balance the competing demands of family life and the DoD mission. CDPs provide access and referral to available, affordable, quality programs and services that meet the basic needs of children, from birth through 12 years of age, in a safe, healthy, and nurturing environment.

(c) Conduct an annual internal certification process to ensure that all installation-operated CDPs are operating in accordance with all applicable Federal mandates and statutory requirements.

(d) Provide child care to support the personnel and the mission of DoD. Eligibility is contingent on the status of the sponsor.

(1) Eligible patrons include:

(i) Active duty military personnel

(ii) DoD civilian employees paid from either appropriated funds (APF) or non-appropriated funds (NAF).

(iii) Reserve Component military personnel on active duty or inactive duty training status.

(iv) Combat related wounded warriors.

(v) Surviving spouses of Military members who died from a combat related incident.

(vi) Those acting in loco parentis for the dependent child of an otherwise eligible patron.

(vii) Eligible employees of DoD contractors.

(viii) Others authorized on a space available basis.

(2) In the case of unmarried, legally separated parents with joint custody, or divorced parents with joint custody, children are eligible for child care only when they reside with the Military Service member or eligible civilian sponsor at least 25 percent of the time in a month that the child receives child care through a DoD program. There may be exceptions as addressed in § 79.6.

(e) Promote the cognitive, social, emotional, cultural, language and physical development of children through programs and services that recognize differences in children and encourage self-confidence, curiosity, creativity, self-discipline, and resiliency.

(f) Employ qualified direct program staff whose progression from entry level to positions of greater responsibility is determined by training, education, experience, and competency. Ensure that civilian employees maintain their achieved position and salary as they move within the military child care system.

(g) Certify qualified FCC providers who can support the mission requirements of the installation.

(h) Facilitate the availability and expansion of quality, affordable, child care off of military installations that meet the standards of this part to ensure that geographically dispersed eligible families have access to legally operating military-approved community-based child care programs.

(i) Promote the early identification and reporting of alleged child abuse and neglect in DoD CDPs in accordance with DoD Directive 6400.1, ''Family Advocacy Program (FAP)'' (see *http://www.dtic.mil/whs/directives/corres/pdf/640001p.pdf*).

(j) Ensure that funding is available to meet Military Child Care Act requirements pursuant to 10 U.S.C. 1791 through 1800 and protect the health, safety, and well-being of children in care.

§ 79.5 Responsibilities.

(a) The Assistant Secretary of Defense for Readiness and Force Management (ASD(R&FM)), under the authority, direction, and control of the USD (P&R) shall:

(1) Monitor compliance with this part by personnel under his or her authority, direction, and control.

(2) Annually review and issue a child care fee policy based upon total family income (TFI) for use by programs in the DoD child development system of care.

(b) The Deputy Assistant Secretary of Defense for Military Community and Family Policy (DASD(MC&FP)), under the authority, direction, and control of the ASD(R&FM), shall:

(1) Work across functional areas of responsibility and collaborate with other federal and non-governmental organizations to ensure access to a continuum of quality, affordable CDPs.

(2) Program, budget, and allocate funds and other resources to meet the objectives of this part.

(3) Issue DD Form 2636, ''Child Development Program, Department of Defense Certificate to Operate,'' to the Military Departments for each CDP found to be in compliance with this part.

(4) Require that the policies and related documents are updated and relevant to the program.

(5) Report DoD Component program data to support legislative, research, and other requirements.

(c) The Heads of the DoD Components shall:

(1) Establish implementing guidance and ensure full implementation within 12 months of the publication date, consistent with this part, to monitor compliance through regular inspection of CDPs and follow-up oversight actions as needed.

(2) Program, budget, and allocate funds and other resources to meet the requirements of this part.

(3) Establish a priority system for all patrons seeking to enroll children in CDPs in accordance with paragraph (a) of § 79.6.

(4) Assess DoD Component demand and take appropriate action to address the child care capability needed on and off the installation in accordance with paragraph (g) of § 79.6.

(5) Establish a hardship waiver policy to address financial and operational situations.

(6) Submit fiscal year annual summary of operations reports to the DASD(MC&FP) by December 30 of each year using Report Control Symbol DD–P&R(A) 1884, ''Department of Defense Child Development Program (CDP) Annual Summary of Operations.''

(7) Require that background checks are conducted for individuals who have contact with children in DoD CDPs in accordance with DoDI 1402.5, ''Criminal History Background Checks on Individuals in Child Care Services'' (available at *http://www.dtic.mil/whs/directives/corres/pdf/140205p.pdf*) and 32 CFR part 86 and paragraph (c)(1) of § 79.6.

(8) Require that all individuals who have contact with children in a DoD CDP complete a DD Form X656 ''Basic Criminal History and Statement of Admission''.

(9) Require that each CDP establishes a Parent Board in accordance with 10 U.S.C. 1783 and 1795.

(10) Forward the results of DoD Component inspections to the DASD(MC&FP).

(11) Ensure that all incidents that occur within a DoD CDP and involve allegations of child abuse or neglect, revocation of accreditation, or hospitalization of a child, are reported to DASD (MC&FP) through the Office of Family Policy (OFP/CY) within 72 hours of the incident.

(12) Notify the DASD(MC&FP) through OFP/CY if, at any time, a facility in the CDP is closed due to a violation (see paragraph (c)(4)(ii) of § 79.6, for more information on violations).

(13) Provide the DASD(MC&FP) through OFP/CY with a copy of applications made in accordance with DoD Instruction 5305.5, ''Space Management Procedures, National Capital Region'' (see *http://www.dtic.mil/whs/directives/corres/pdf/530505p.pdf*) and 40 U.S.C. 590 to the U.S. General Services Administration (GSA) for building space for use in providing child care for DoD personnel, and comply with GSA standards for funding and operation of child care programs in GSA-controlled space.

(i) Where the DoD is the sole sponsoring agency and the space has been delegated to the DoD by the GSA, the space must comply with the requirements prescribed in this part.

(ii) For the National Capital Region, space acquisition procedures in DoD Instruction 5305.5 shall be used to gain the assignment of space in Government-owned or Government-leased facilities from the GSA.

(14) Require that CDPs follow the recommendations of the Advisory Committee on Immunization Practices (ACIP) and comply with generally accepted practices endorsed by the American Academy of Pediatrics (AAP) and Centers for Disease Control or the latest guidance provided by OFP/CY.

(15) Establish and implement DoD Component-specific child care fees based on the DoD-issued fee policy on an annual basis, and issue supplemental guidance on fees for school-age programs, hourly care, preschool programs, DoD Component approved community-based programs, and FCC subsidies. Submit DoD Component-specific requests for waiver for any deviation from DoD policy, including selection of the high or low cost fee option, to the Office of the DASD (MC&FP) through OFP/CY for approval.

(16) Establish guidelines for communication between command, installation, and educational and behavioral support systems.

(17) Require that all military installations under their authority follow guidance that addresses the ages and circumstances under which a child under 13 years of age can be left at home alone without adult supervision, also known as a ''home alone policy,'' or ''self-care policy.'' The installation commander should approve this policy in consultation with the installation director of the Family Advocacy Program. Guidance is consistent with or more stringent than applicable laws and ordinances of the State and country in which the installations are located.

(18) Establish guidance and operating procedures to provide services for children with special needs in accordance with 32 CFR part 56, ''Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or conducted by the Department of Defense'' that implement section 504 of the Rehabilitation Act for federally conducted and federally assisted programs and 42 U.S.C. 12102, ''The American Disabilities Act'' as they apply to children and youth with special needs.

(i) Require procedures for reviewing and making reasonable accommodation for children with special needs that do not fundamentally alter the nature of the program.

(ii) Consider the needs of the child, the disability, and the environment of group care in child development facilities or home-based care, staffing needs and training requirements, and the resources of the program.

(iii) Include CDPs as part of the Multidisciplinary Inclusion Action Team that supports families of children with special needs.

(19) Establish guidance and operating procedures to provide services for children of the deployed.

(20) Establish standard risk management procedures for responding to emergency or contingency situations. This includes, but is not limited to, natural disasters, pandemic disease outbreaks, allegations of child abuse or neglect, active shooter, or an installation or facility lockdown.

(21) Require that vehicles used to transport children comply with Federal motor vehicle safety standards in accordance with 49 U.S.C. 30125 and applicable State or host nation requirements.

(22) Notify applicable civilian patrons annually of their potential tax liability associated with child care subsidies, and ensure that information required by the third party administrator (TPA) is provided in accordance with 26 U.S.C. 129.

(23) Require that a current plan to implement direct cash subsidies to military-approved child care providers to expand the availability of child care spaces and meet specialized child care needs, such as weekend and evening care, special needs, deployment

support, and respite child care support, is in place.

(d) The Secretaries of the Military Departments, in addition to the responsibilities in paragraph (c) of this section, shall:

(1) Work with the Heads of the DoD Components to implement CDPs in accordance with this part.

(2) Notify the OFP/CY of any Service-wide specific requirements that will require a waiver to deviate from existing policy.

(e) The Installation Commanders (under the authority, direction, and control of the Secretary of the Military Department concerned) shall:

(1) Require that CDPs within his or her jurisdiction are in compliance with this part.

(2) Require that child care fees are used in accordance with DoD Instruction 5305.5 and paragraph (c)(2) of § 79.6.

(3) Require that CDP direct program staff are paid in accordance with Volume 1405 of DoD Instruction 1400.25, ''DoD Civilian Personnel Management System: Nonappropriated Fund (NAF) Pay and Allowances'' (available at *http://www.dtic.mil/whs/directives/corres/pdf/1400.25-V1405.pdf*). Ensure 75 percent of the program's direct program staff total labor hours are paid to direct program staff who are in benefit status.

(4) Require that there are adequate numbers of qualified professional staff to manage the CDPs according to the Service manpower and child space staffing requirements and referenced in paragraphs (c) and (d) of § 79.6 of this part.

(5) Manage child care priority policy, as directed by their respective DoD Component.

(6) Manage hardship waiver policy (financial and operational), as directed by their respective DoD Component.

(7) Review and validate the demand for installation child care capacity and take appropriate action to expand the availability of care as needed. See paragraph (h) of § 79.6 of this part.

(8) Convene a Parent Board, and ensure that a viable Parent Participation Program is in accordance with 10 U.S.C. 1783 and 1795.

(9) Implement mandated annual and periodic inspections and complete required corrective and follow-up actions within timeframes specified by their respective DoD Component.

(f) *Directors of the Defense Agencies and DoD Field Activities.* In addition to the responsibilities in paragraph (c) of this section, the Directors of the Defense Agencies and DoD Field Activities shall:

(1) Require that CDPs within his or her jurisdiction are in compliance with this part.

(2) Require that child care fees are used in accordance with DoD Instruction 5305.5 and paragraph (c)(2) of § 79.6.

(3) Require that CDP direct program staff are paid in accordance with Volume 1405 of DoD Instruction 1400.25. Ensure 75 percent of the program's direct program staff total labor hours are paid to direct program staff who are in benefit status.

(4) Require that there are adequate numbers of qualified professional staff to manage the CDPs according to the Service manpower and child space staffing requirements and referenced in paragraphs (c) and (d) of § 79.6 of this part.

(5) Manage child care priority policy, as directed by their respective DoD Component.

(6) Manage hardship waiver policy (financial and operational), as directed by their respective DoD Component.

(7) Review and validate the demand for installation child care capacity and take appropriate action to expand the availability of care, as needed. See paragraph (h) of § 79.6 of this part.

(8) Convene a Parent Board, and require that a viable Parent Participation Program is in accordance with 10 U.S.C. 1783 and 1795.

(9) Implement mandated annual and periodic inspections and complete required corrective and follow-up actions within timeframes specified by their respective DoD Component.

§ 79.6 Procedures.

(a) *Priority System.* To the extent possible, CDPs shall be offered to the qualifying children of eligible patrons.

(1) *Priority 1.* The highest priority for full-time care shall be given to qualifying children from birth through 12 years of age of combat related wounded warriors, child development program direct care staff, single or dual active duty Military Service members, single or dual DoD civilian employees paid from APF and NAF, surviving spouses of military members who died from a combat related incident, and those acting in loco parentis on behalf of the aforementioned eligible patrons. With the exception of combat related wounded warriors, ALL eligible parents or caregivers residing with the child are employed outside the home.

(2) *Priority 2.* The second priority for full-time care shall be given equally to qualifying children from birth through 12 years of age of active duty Military Service members, DoD civilian employees paid from APF and NAF, surviving spouses of military members who died from a combat related incident, and those acting in loco parentis on behalf of the aforementioned eligible patrons, where a non-working spouse, or in the case of a DoD civilian employee with a same-sex domestic partner, is actively seeking employment. The status of actively seeking employment must be verified every 90 days.

(3) *Priority 3.* The third priority for full-time care shall be given equally to qualifying children from birth through 12 years of age of active duty Military Service members, DoD civilian employees paid from APF and NAF, surviving spouses of military members who died from a combat related incident, and those acting in loco parentis on behalf of the aforementioned eligible patrons, where a non-working spouse, or in the case of a DoD civilian employee with a same-sex domestic partner, is enrolled in an accredited post-secondary institution. The status of post-secondary enrollment must be verified every 90 days.

(4) *Space Available.* After meeting the needs of parents in priorities 1, 2, and 3, CDPs shall support the need for full-time care for other eligible patrons such as active duty Military Service members with non-working spouses, DoD civilian employees paid from APF and NAF with non-working spouses or same-sex domestic partners, eligible employees of DoD Contractors, Federal employees from non-DoD agencies, and military retirees on a space available basis. In this category, CDPs may also authorize otherwise ineligible patrons in accordance with 10 U.S.C. 1783, 1791 through 1800, 2809, and 2812 to enroll in the CDP to make more efficient use of DoD facilities and resources.

(5) Individual priorities will be determined based on the date of application with the DoD Component. Components may only establish sub-priorities if unique mission related installation requirements are identified by higher headquarters.

(b) *Types of Care.* The types of care offered for children from birth through 12 years of age include 24/7 care and care provided on a full-day, part-day, short-term or intermittent basis.

(1) *Military-Operated CDPs.* Military-operated (on and off installation) CDPs generally include:

(i) *CDCs.* Reference Table 1 of this section of this part for standards of operation for CDCs. CDCs primarily offer care to children from birth to 5 years of age, but may also be used to provide SAC programs.

(ii) *SAC Programs.* Reference Table 1 of this section for SAC standards of

operation. SAC programs primarily offer care to children from 6 to 12 years of age. Care may be offered in CDCs and other installation facilities, such as youth centers and schools.

(iii) *FCC.* Reference Table 2 of this section for FCC standards of operation. Child care services are available to children from infancy through 12 years of age and are provided in government housing or in state licensed/regulated homes in the community.

(iv) *Supplemental Child Care.* Services include short-term alternative child care options in approved settings on and off installation.

(v) *Part-Day and Hourly Programs.* CDP space used for part-day and hourly programs, including programs to provide respite child care, shall not exceed 20 percent of the CDP program's capacity during duty hours.

(2) *Military Department, Defense Agency, and DoD Field Activity-Approved Supplemental Child Care Programs.* See paragraph (g) of this section.

(c) *Administration, Funding and Oversight of Military Operated CDPs.* Unless otherwise noted, the requirements in this section apply to all DoD-operated CDPs.

(1) *Background Checks.* All background checks for individuals who have regular, recurring contact with children and youth in CDPs, including adult family members of FCC providers and any individual over the age of 18 living in a home where child care is provided, and persons who serve as substitute or backup providers, shall be conducted in accordance with 32 CFR part 86.

(2) *Funding.* CDPs are funded by a combination of APF and NAF.

(i) The amount of APF used to operate CDPs shall be no less than the amount collected through child care fees, except for CDCs that operate under a long-term facility's contract or lease-purchase agreement under 10 U.S.C. 2809 and 2812.

(A) A family's child care fee category is determined based on an initial and subsequent annual verification of TFI. Families pay the child care fee assigned to that TFI category. A family's fees may only be adjusted once per year, with exceptions listed in paragraph (c)(2)(i)(E) of this section. TFI is determined utilizing DD Form 2652.

(B) APF may be used to subsidize child care in military-approved civilian programs in accordance with 10 U.S.C. 1791 through 1800.

(C) DoD Components establishing child care fee assistance programs for their employees must contribute the amounts required to pay subsidies out of agency APFs.

(D) FCC providers are private contractors. Fees are established between the provider and parent, unless such providers receive direct monetary subsidies. When FCC providers receive direct monetary subsidies to reduce the cost of care for the families they service, the installation commander or DoD Component shall determine relevant fees charged by FCC providers.

(E) Fees may be adjusted:

(*1*) By the installation commander, Defense Agency Director, or DoD Field Activity Director:

(*i*) On a case-by-case basis for families who are facing financial hardship or unusual circumstances that merit review, in accordance with established DoD Component guidance.

(*ii*) For parents participating in an approved parent participation program.

(*2*) By the DoD Components, Defense Agency Director, or DoD Field Activity Director:

(*i*) To accommodate an optional high market rate when it is necessary to pay higher wages to compete with local labor or at those installations where wages are affected by non-foreign area cost of living allowance (COLA), post differential or locality pay. The optional low market rate may be used in areas where costs for comparable care within the installation catchment area are significantly lower. A request to utilize the high or low market rate options must be submitted to OFP/CY for approval.

(*ii*) To reflect changes in employment status, relocation, and annual internal reviews that find inaccurate determination or calculation of TFI.

(*iii*) For CDP employees when CDC programs are facing operational hardships.

(ii) Child Development Program Element APF may be used for:

(A) Salaries of CDP employees.

(B) Food.

(C) Training and education.

(D) Program accreditation fees and support services.

(E) Travel and transportation.

(F) Marketing, to include recruitment, retention, and participation efforts.

(G) Supplies and equipment, to include lending libraries and training materials for use by FCC providers.

(H) Local travel expenses incurred by FCC program staff using their private vehicles to perform government functions.

(I) Direct monetary subsidies to FCC providers.

(iii) To the maximum extent possible, child care fees shall cover the NAF cost of care, and NAF costs not covered by child care fees are to be minimized. Child care fees shall only be used for:

(A) Compensation of direct care CDP employees who are classified as NAF employees, to include training and education, and recruitment and retention initiatives approved by the DoD Component.

(B) Food-related expenses not paid by the USDA or DoD APFs.

(C) Consumable supplies.

(3) *Facility Requirements and Construction.*

(i) Minimum prescribed construction standards:

(A) For all Marine Corps, Navy, and Air Force CDC facility construction, the Unified Facilities Criteria (UFC) 4–740–14, ''Design: Child Development Centers'' (see *http://www.wbdg.org/ccb/DOD/UFC/ufc_4_740_14.pdf*) apply.

(B) For all Army CDC facility construction, the Army Standard for Child Development Centers (see *https://mrsi.usace.army.mil/fdt/Army%20Standards/CDC%20age%206wk%20to%205yr%20Army%20Standard.pdf*) apply.

(C) When SAC is provided in youth facilities, UFC 4–740–06, ''Youth Centers'' (see *http://www.wbdg.org/ccb/DOD/UFC/ufc_4_740_06.pdf*) and Service-specific exceptions to the UFC apply.

(D) State and local construction standards may be used but are not required, except if the CDC facility is located on an area over which the United States has no legislative jurisdiction and then only if State and local standards are more stringent than those in UFC 4–740–14.

(ii) All facilities shall comply with the structural requirements of the National Fire Protection Association 101, ''Life Safety Code®'' 2012 (available at *http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=101&cookie%5Ftest=1*)

(4) *Oversight.*

(i) *DoD Certification Inspection.* Installation-operated CDPs in which care is provided for 10 or more child care hours per week on a regular basis shall be certified to operate through inspections occurring no fewer than four (4) times a year. Inspections must be unannounced, and parent and staff feedback shall be solicited as part of the inspection process.

(A) Three local inspections and one higher headquarters inspection shall be conducted to verify compliance with this part and DoD Component implementing guidance. Local inspection teams are led by a representative of the installation commander, Defense Agency Director, or Defense Field Activity Director, and

a multidisciplinary team, to include human resource, fire, health, and safety proponents, with expertise and authority to verify compliance with this part.

(*1*) Local inspections include an annual comprehensive health and sanitation inspections, annual comprehensive fire and safety inspections, and a multidisciplinary inspection whose team that includes parent representation. Community representation on the team by appropriate professionals is highly encouraged.

(*2*) DoD Component inspection teams inspecting CDPs serving children birth through 12 years of age shall include staff possessing:

(*i*) A baccalaureate degree in child development, early childhood education (ECE), home economics (early childhood emphasis), elementary education, special education, or other degree appropriate to the position filled from an accredited college;

(*ii*) Knowledge of child/youth development programs; or

(*iii*) A combination of education and experience that provide knowledge comparable to that normally acquired through the successful completion of a 4-year degree (experience must include at least 3 years of full-time teaching or management experience with children of the appropriate age group).

(*3*) Parents shall be interviewed as part of the DoD Component inspection. Additional inspections shall be conducted in response to program complaints in accordance with paragraph (b) of § 79.5.

(*4*) Results of DoD Component inspections shall be provided by the DoD Component to the ODASD(MC&FP) through OFP/CY. CDPs whose inspection results demonstrate compliance with this part shall receive DD Form 2636. Certificates shall be displayed in a prominent location in the CDP.

(*5*) Inspection results shall be made available to parents. Results from inspections of CDC programs shall be available online.

(*6*) Periodic, unannounced inspections shall be made by the ODASD(MC&FP) to ensure compliance with the requirements in this part.

(*7*) In response to each inspection, a corrective action plan with appropriate timelines shall be developed to address any deficiencies identified during inspection.

(ii) *Violations.* The installation commander, Defense Agency Director or DoD Field Activity Director shall ensure the immediate remedy of any life-threatening violation of this part or other safety, health, and child welfare laws or regulations (discovered at an inspection or otherwise) at a DoD CDP, or he or she will close the facility (or affected parts of the facility).

(A) In the case of a violation that is not life-threatening, the commander of the major command under which the installation concerned operates, or the Director of the Defense Agency or DoD Field Activity concerned, may waive the requirement that the violation be remedied immediately for up to 90 days beginning on the date of discovery of the violation.

(B) If the violation that is not life-threatening is not remedied by the end of that 90-day period, the facility or parts involved will be closed until the violation is remedied.

(C) The Secretary of the Military Department, or Director of the Defense Agency or DoD Field Activity concerned, may request a waiver of the requirements of the preceding sentence to authorize the program to remain open in a case where the violation cannot reasonably be remedied within the 90-day period or in which major facility reconstruction is required. A waiver request must be submitted to OFP/CY for approval.

(iii) *Accreditation.* Eligible CDP facilities (excluding FCC) shall be accredited by a DoD-approved national accrediting body. CDP oversight is a statutory requirement involving an external nationally recognized accreditation process and internal DoD Certification process.

(A) FCC providers shall be encouraged to seek accreditation from an appropriate national accrediting body.

(B) The percentage of CDP facilities successfully achieving accreditation shall be reflected in the Annual Summary of Operations report referenced in § 79.5.

(iv) *Monitoring.* There shall be a system in place to monitor FCC homes on a regular basis during all hours of operation. The following information shall be maintained for FCC providers:

(A) Results of family interview.

(B) Background check with suitability determination.

(C) Inspection results.

(D) Insurance.

(E) Training records.

(F) Monitoring visit records.

(5) *Parent Board.* In accordance with 10 U.S.C. 1783 and 1795, each CDP shall establish a Parent Board to discuss problems and concerns and to provide recommendations for improving CDPs. The Board, with the staff of the program, is responsible for coordinating a parent participation program.

(i) The Board shall be composed only of parents of children enrolled in the installation CDP facilities that are Military Service members, retired Military Service members, or spouses of Military Service members or retired Military Service members, and chaired by such a parent.

(ii) The Board shall meet periodically with the staff of the program and the installation commander, Defense Agency Director, or DoD Field Activity Director to discuss problems and concerns. Board recommendations shall be forwarded to the installation commander, Defense Agency Director, or DoD Field Activity Director for review and disposition. These recommendations are reviewed during the DoD certification inspection.

(iii) The Board shall coordinate a parent participation program with CDP staff to ensure parents are involved in CDP planning and evaluation. In accordance with 10 U.S.C. 1795, parents participating in such program may be eligible for child care fees at a rate lower than the rate that otherwise applies.

(6) *Enrollment.* To enroll in the CDP, parents shall complete DD Form 2606 or electronic equivalent, DoD Child Development Program Request for Care Record. At the time of enrollment in an installation-based CDP, parents shall provide:

(i) Child(ren)'s health and emergency contact information.

(ii) Documentation that children have been fully immunized.

(A) Children who have not received their age-appropriate immunizations prior to enrollment and do not have a documented religious or medical exemption from routine childhood immunizations shall show evidence of an appointment for immunizations; the immunization series must be initiated within 30 days.

(B) Children in SAC are not required to provide documentation if they are enrolled in a local public school system where proof of currency of vaccination is required.

(iii) Children's records shall be updated annually or as needed for their health, safety, or well-being.

(7) *Immunizations.* Children enrolling in or currently enrolled in DoD CDPs must provide written documentation of immunizations appropriate for the child's age. Per AR 40–562/BUMEDINST 6230.15A/AFJI 48–110/CG COMDTINST M6230.4F, ''Immunizations and Chemoprophylaxis'' (see *http://www.vaccines.mil/documents/969r40_562.pdf*), immunizations recommended by the ACIP are required.

(i) All records shall be updated at least annually and kept on file. Any child not enrolled in a school system where proof of currency of vaccination is required must provide proof of currency.

(ii) Children enrolled in a local public school system and volunteer sports coaches are excluded from this requirement.

(iii) A waiver for an immunization exemption may be granted for medical or religious reasons. Philosophical exemptions are not permitted. The DoD Component must provide guidance on the waiver process.

(A) A statement from the child's health care provider is required if an immunization may not be administered because of a medical condition. The statement must document the reason why the child is exempt.

(B) If an immunization is not administered because of a parent's religious beliefs, the parent must provide a written statement stating that he or she objects to the vaccination based upon religious beliefs.

(C) During a documented outbreak of a contagious disease (as determined by local DoD Medical authorities) that has a vaccine, the child who is attending the program under an immunization waiver for that vaccine, will be excluded from the program for his or her protection and the safety of the other children and staff until the contagious period is over.

(iv) Civilian employees (including specified regular volunteers) and FCC providers shall obtain appropriate immunization against communicable diseases in accordance with recommendations from the ACIP. The requirement for appropriate immunization is a condition of continued employment or active participation in the program or organization.

(A) This requirement is waived if a current immunization, a protective titer, or a medical exemption is approved and documented. A waiver for an immunization exemption may also be granted for religious reasons. Philosophical exemptions are not permitted.

(B) The DoD Component must provide guidance on the waiver process. The DoD Component must approve all waivers and documentation of the waiver kept on file.

(C) During a documented outbreak of a contagious disease, staff with a waiver will be excluded from the program for their protection and the safety of the other children and staff until the contagious period is over.

(8) *Child Abuse Prevention and Reporting.* In accordance with 10 U.S.C. 1794, CDPs shall minimize the risk for child abuse.

(i) CDPs shall have standard operating procedures for reporting cases of suspected child abuse and neglect, and all employees, employees of DoD contractors, individuals working with CDPs, providers, volunteers and parents shall be informed of child abuse prevention, and identification and reporting requirements. Staff shall be knowledgeable of the child abuse reporting requirements.

(ii) In accordance with 10 U.S.C. 1794, the DoD Child Abuse and Safety Hotline telephone number shall be posted in highly visible areas, including the facility lobby, where parents have easy access to the telephone number. The hotline number shall be published in parent handbooks and other media.

(9) *Programming and Standards of Operation.* All CDPs shall establish a planned program of developmentally appropriate activities, and adhere to the standards of operation outlined in Tables 1 and 2 of this section.

(d) *Personnel.* Installation-based CDP personnel and FCC providers shall meet the following requirements:

(1) *CDC Directors.* CDC directors shall have at a minimum:

(i) A baccalaureate degree in child development, ECE, home economics (early childhood emphasis), elementary education, special education, or other degree appropriate to the position filled from an accredited college; or

(ii) A combination of education and experiences, which provide knowledge comparable to that normally acquired through the successful completion of the 4-year course of study in a child-related field.

(2) *SAC Directors.* Directors shall have at a minimum:

(i) A baccalaureate degree in a field of child or youth development, such as youth recreation, physical education, elementary education, secondary education, child development, psychology, social work, or other degree appropriate to the position filled from an accredited college; or

(ii) A combination of education and experiences, which provide knowledge comparable to that normally acquired through the successful completion of the 4-year course of study in a child development or youth-related field.

(3) *Training and Curriculum Specialists.* Each program within the CDP shall employ at least one training and curriculum specialist. Training and curriculum specialists shall have at a minimum:

(i) A baccalaureate degree with a major course of study directly related to child or youth development, ECE or an equivalent field of study from an accredited college, or a combination of education and experiences, which provide knowledge comparable to that normally acquired through the successful completion of the 4-year course of study in the field of child or youth development or ECE.

(ii) Knowledge of early childhood or youth education principles, concepts, and techniques to develop, interpret, monitor, and evaluate the execution of curriculum and age-appropriate activities.

(iii) Knowledge of adult learning techniques and strategies and experience training adult learners.

(iv) Ability to support DoD certification, accreditation, and staff credentialing (Child Development Associate (CDA), Associate of Arts (AA) Degree) by ensuring that required training is administered and successfully accomplished to meet statutory and program requirements.

(4) *FCC Administrators.* FCC administrators shall have at a minimum:

(i) A baccalaureate degree with a major course of study directly related to child or youth development, family studies, or an equivalent field of study from an accredited university; or

(ii) A combination of education and experiences, which provide knowledge comparable to that normally acquired through the successful completion of the 4-year course of study in the field of child or youth development or family studies.

(5) *CDP Direct Care Personnel, Support Staff, and FCC Providers.* CDP direct care personnel and support staff, as a condition of employment, and FCC providers shall, as a condition of participation:

(i) Be at least 18 years of age.

(ii) Hold a high school diploma or equivalent.

(iii) Read, speak, and write English.

(iv) Successfully pass a pre-employment physical, maintain current immunizations and be physically and behaviorally capable of performing the duties of the job.

(e) *Training.* Each CDP must have a DoD Component-approved training program. Satisfactory completion of training is a condition of employment for staff in a center-based program and for providers offering care in FCC homes.

(1) *CDP Management Personnel.* CDP management personnel, including CDP directors (CDC directors, FCC administrators, and SAC directors), shall receive annual training, which includes the following topics:

(i) Child abuse prevention, identification, and reporting.

(ii) Program administration, including APF and NAF financial management, funding metrics, and fiscal accountability.

(iii) Staff development and personnel management.

(iv) Prevention of illness and injury and promotion of health.

(v) Emergency procedures and preparedness.

(vi) Working with children with special needs.

(vii) Developmentally appropriate practices.

(2) *Training and Curriculum Specialists.* Training and curriculum specialists shall receive annual training, to include the following topics:

(i) Child abuse prevention, identification, and reporting.

(ii) Developmentally appropriate practices.

(iii) Principles of adult learning.

(iv) Prevention of illness and injury and promotion of health.

(v) Emergency procedures.

(vi) Working with children with special needs.

(3) *CDP Direct Care Personnel and FCC Providers.*

(i) Training requirements for direct care personnel (excluding FCC providers) shall be linked to the DoD CDP Employee Wage Plan implemented in response to 10 U.S.C. 1783, and 1791 through 1800 to include completion of the DoD-approved competency based training modules within DoD Component specified time frames.

(ii) All newly hired CDP direct care personnel and FCC providers shall complete 40 hours of orientation. Orientation shall begin prior to working with children, with the full 40 hours completed within the first 90 days of employment. Orientation completion shall be documented for each direct care personnel or FCC provider. Orientation includes:

(A) Working with children of different ages, including developmentally appropriate activities and environmental observations.

(B) Age-appropriate guidance and discipline techniques.

(C) Applicable regulations, policies, and procedures.

(D) Child safety and fire prevention.

(E) Child abuse prevention, identification, and reporting.

(F) Parent and family relations.

(G) Health and sanitation procedures, including blood-borne pathogens, occupational health hazards for direct care personnel, and recognizing symptoms of illness.

(H) Emergency health and safety procedures, including pediatric cardiopulmonary resuscitation (CPR) and first aid.

(I) Safe infant sleep practices and Sudden Infant Death Syndrome (SIDS) prevention.

(J) Nutrition, obesity prevention, and meal service.

(K) Working with children with special needs.

(L) Accountability and child supervision training.

(M) For FCC providers only, infant and child (pediatric) CPR and first aid must be completed prior to accepting children for care. Training shall be updated as necessary to maintain current certifications.

(N) For FCC providers only, training in business operations.

(iii) CDP direct care personnel and FCC providers shall complete additional training specified by the DoD Component within 90 days of beginning work. The training shall include, at a minimum, in-depth training on the subjects covered in the orientation as well as infant and child (pediatric) CPR and first aid, which shall be updated as necessary to maintain current certifications.

(iv) CDP direct care personnel and FCC providers shall complete a minimum of 24 hours per year of ongoing training by the DoD Component approved training program. Training shall include child abuse prevention, identification and reporting, safe infant sleep practices and SIDS prevention, working with children with special needs, and if required, administering medication.

(v) Substitute FCC providers must complete a basic orientation and background checks prior to providing care. Such orientation includes child abuse prevention, identification and reporting, working with children with special needs, safety procedures and pediatric CPR and first aid, and SIDS prevention. The FCC provider's spouse may serve as a backup provider on a limited basis, as designated by the DoD Component and must complete the required substitute FCC provider training.

(4) *CDP Support Staff.* CDP support staff shall participate in annual training related to the latest techniques and procedures in child care, including topics on child abuse prevention, identification and reporting, and other training related to their position.

(f) *Volunteers.* All volunteers shall be screened, trained, and supervised in accordance with DoD Instruction 1402.5 and 32 CFR part 86; and DoD Instruction 1100.21, ''Voluntary Services in the Department of Defense'' (see *http://www.dtic.mil/whs/directives/corres/pdf/110021p.pdf*) and DoD Component implementing guidance, as appropriate to their role. Volunteers may not be alone with children and are not counted in the staff ratio. All regularly scheduled volunteers shall be trained in:

(1) Program orientation.

(2) Age-appropriate learning activities.

(3) Child abuse identification, reporting and prevention.

(4) Age-appropriate guidance and discipline.

(5) Working with children with special needs.

(6) Child health and safety.

(7) Safe infant sleep practices and SIDS prevention.

(8) Emergency procedures.

(9) Applicable regulations and installation policy.

(10) Role of the volunteer in the CDP.

(g) *Supplemental Child Care.* On-site group care services are designed to provide occasional, intermittent care to children on an hourly basis, including respite child care.

(1) When on-site group care is provided in an installation CDP facility by CDP staff members, the requirements of this part apply.

(2) When on-site group care is provided in a non-CDP facility by CDP personnel and parents are not on site, the requirements of this part apply.

(3) When on-site group care is provided in a non-CDP facility by CDP personnel and parents remain on site, the facility is not required to meet the requirements of this part.

(4) When on-site group care is provided in an alternative facility by volunteers or parents, and the parent or guardian remain on site, the requirements of this part do not apply.

(h) *Administration and Oversight of Community-Based Care Providers.*

(1) *Types of Care.* Efforts shall be made to expand the availability of these programs through referrals to comparable programs off of the installation through participation in consortiums with other Federal and non-governmental entities.

(i) Efforts shall be made to ensure quality, affordable child care options exist for all eligible patrons, including those who are geographically dispersed active duty military and their families. Community-based child care options are designed to supplement, not replace, child care programs on the installation.

(ii) Care may be delivered through military-approved community-based CDPs, utilizing a myriad of delivery systems, including existing child care facilities, schools, recreation and after-school and summer programs, and home-based care programs.

(iii) Programs that support the needs of eligible deployed families in military-

approved community-based child care programs where care is needed for a short-term basis during the deployment phase must meet the State licensing regulations and requirements and be inspected by an outside agency once a year. All other types of care must meet the intent of this part.

(iv) Programs shall meet State licensing standards for background checks.

(v) Military-approved community-based child care programs will be encouraged to participate in an evaluation process utilizing the ERIS in this section, a detailed assessment tool developed by the DoD to evaluate facility-based child care providers.

(2) *Subsidies.*

(i) The DoD Components may subsidize a portion of the cost of child care incurred by eligible active duty and DoD civilian employees.

(ii) Subsidies resulting from the child care provided to children of active duty military members are excluded from gross income pursuant to 26 U.S.C. 134.

(iii) Subsidies provided to DoD civilian employees may qualify for exclusion from gross income, provided the specific program used qualifies under 26 U.S.C. 129(d) and the employee receives the subsidy for an eligible purpose on behalf of an eligible child as described in 26 U.S.C. 21(a) and 21(b). Subsidies in excess of the excludable amounts will be treated as gross income under 26 U.S.C. 61. Employees are advised to consult with a qualified tax expert with questions or concerns related to taxability of child care subsidies.

(iv) Child care programs and providers who offer their services under this provision must comply with the standards outlined in this part and must be approved by the plan administrator or designee prior to issuance of subsidy payments by a DoD Component.

(v) The DoD Components are responsible for budgeting for child care subsidies and are not to establish a special fund out of which child care subsidies are paid, nor will eligible users of Military Child Development Programs be required to make a contribution as a condition of receiving a child care subsidy.

(vi) The DoD Components have the discretion to amend or terminate their participation in a child care subsidy program under this plan at any time. The benefits in this section are not guaranteed and may be reduced by plan amendment.

(vii) The OFP/CY will designate a TPA to administer the Military Department, Defense Agency, and DoD Field Activity civilian child care subsidy program for all DoD Components. Each civilian sponsor must register with the TPA contracted by the Defense Department.

(A) The TPA shall annually document family and provider eligibility, TFI, child data, and other information required to comply with reporting requirements, in accordance with 26 U.S.C. 21(a), 21(b), 61, 129, and 134.

(B) The TPA shall provide authorization and payment of child care subsidies to the provider. All subsidy payments shall be made to the child care provider.

(C) The TPA shall comply with fee assistance guidelines established by the individual DoD Components.

(i) *Augmented Program Support.* When possible, CDPs should utilize personnel, such as behavioral health consultants and school liaison officers to assist the program staff and parents with children's social-emotional development and behavior. These personnel shall assist staff, parents, and children in developing skills to respond to challenging behaviors and reduce stress for staff and participating children.

(j) *CDC and SAC Standards of Operation, FCC Standards of Operation, and the ERIS.*

(1) Table 1 outlines the minimum operational standards required for installation-based CDCs and SACs to receive the DoD Certificate to Operate. These standards implement the policy requirements of paragraphs (a), (c)–(f), and (i) of this section. When a SAC program operates within a CDC, SAC standards of operation shall be used for the SAC portion of the program.

(2) Table 2 outlines the minimum operational standards required for installation-based and affiliated FCC providers to receive the DoD Certificate to Operate. These standards implement the policy requirements outlined in the body of this part.

(3) Table 3 outlines the operational standards for community-based child care facilities. These standards, in addition to the state licensing requirements, may be used to determine eligibility of child care subsidies under conditions designated by the DoD Components. Programs eligible to receive child care subsidies when the Service member is deployed must meet the state licensing requirements and be annually inspected.

TABLE 1—CDC AND SCHOOL-AGE PROGRAMS STANDARDS OF OPERATIONS

A. Administrative
Both CDC and SAC
The program has implemented the fee policy in accordance with current DoD and DoD Component guidance. If appropriate, the program has an approved waiver to utilize the high cost fee option.
75 percent of the program's total labor hours are paid to direct program staff who are in benefit status.
Unannounced inspections are conducted by program staff following complaints.
B. Facility
Facility: Both CDC and SAC
The DoD Certificate to Operate is displayed in a prominent location.
Newly constructed CDP facilities follow the UFC or Service guidance for program capacity and capability.
The facility food service area supports the sanitary preparation and service of healthy foods.
All playgrounds, playground surfaces, and equipment meet American Society for Testing and Materials and Consumer Product Safety Commission (CPSC) guidelines.
There is a balance of sun and shade on the playground and a variety of surfaces, such as resilient surfaces, and natural elements. CDC playgrounds include equipment for riding, climbing, balancing, and swinging.
The program provides opportunities for active play every day, indoors and outdoors. Children have ample opportunity to do vigorous activities such as running, climbing, dancing, skipping, and jumping.
Programs use gardens to educate children about healthy eating.
The square footage of useable space for each child in each activity room meets the requirements of the UFC or Service-specific guidelines.

TABLE 1—CDC AND SCHOOL-AGE PROGRAMS STANDARDS OF OPERATIONS—Continued

Sound absorbing materials, such as ceiling tiles and rugs are used to minimize noise levels.
Areas used by children have adequate lighting for safety, evacuation, and security measures, are ventilated and kept at a comfortable temperature.
There is adequate and convenient storage space for equipment and materials.
Individual space is provided for each child's belongings.
Supervised private areas where children can play or work alone or with a friend are available indoors and outdoors.
Bathrooms, drinking water, and hand-washing facilities are easily accessible to children.
Clean, sanitary drinking water is readily available at all times.
The facility includes a place for adults to take a break away from children, an adult bathroom, a secure place for staff to store their personal belongings, and an administrative area for planning or preparing materials that is separated from the children's areas.
The facility includes soft elements that help create a home-like environment.

Facility: CDC ONLY

The square footage of activity space per child meets the requirements of the UFC or Service specifications for facilities built after 2002. A minimum of 50 square feet per child of activity space is provided for infants in facilities built prior to 2002.
If more than one care group occupies a single room, each group has its own defined physical space and primary interest centers.
Outdoor play areas directly adjoin CDCs. Playgrounds for alternative program options must be accessible via a route free from hazards and are located within 1/8 mile from the facility.
Playgrounds are enclosed by a fence and meet the requirements of the UFC.
The square footage of playground space per child meets the requirements of the UFC or Service specific guidelines. The playground area is capable of supporting 30 percent of the total capacity of the CDC in a center of 100 or more children, and all the children in centers with a capacity of fewer than 100 children.
The facility has a designated place set aside for breastfeeding mothers who want to come during work to breastfeed, as well as a private area with an outlet (not a bathroom) for mothers to pump their breast milk.

Facility: SAC ONLY

There are separate male and female bathrooms for children as well as separate multi-unit restrooms for staff and visitors or a system to ensure that adults and teens do not use the bathrooms at the same time as children in SAC.

C. Health and Sanitation

Health and Sanitation: Both CDC and SAC

A comprehensive health and sanitation inspection has been conducted within the last 12 months, corrective actions have been completed per specified timelines, and the inspection report is available for review.
The program shall require that all children enrolling in CDPs provide written documentation of immunizations appropriate for the child's age in accordance with Army Standard for Child Development Center. Children enrolled in the SAC program are not required to provide documentation if they are enrolled in a local public school system.
Staff employed by the CDP and regular volunteers shall be current for all immunizations recommended for adults by the ACIP of the Centers for Disease Control and Prevention. All must provide written documentation of immunization.
There is a policy in place that addresses the daily informal screening for illness based on criteria established by the DoD Component. This policy also addresses admission back into the CDP after an illness.
There is a policy in place that addresses food or other allergies, special accommodations, or potentially life-threatening conditions.
Individual medical problems and accidents are recorded and reported to management staff and families, and a written record is kept of such incidents.
Only physician-prescribed medications are administered; medications are only given with the written approval of the child's parents; and medications given are documented.
Providers have documented parental permission to apply basic topical care items such as sunscreen, insect repellant, and lotion.
A plan exists for dealing with medical emergencies that include written parental consent forms, and transportation arrangements approved by the DoD Component.
Policies and procedures are followed for administering and storing medication. Designated staff are trained to administer medications, and the training is updated annually or as required by state laws.
The facility is cleaned daily, and as needed throughout the day. Food preparation areas, bathrooms, diapering areas, hand-washing facilities, and drinking fountains are sanitary.
A sink with running water at a comfortable temperature of no more than 110 degrees temperature is very close to bathrooms and diapering areas.
Staff and children wash hands before and after eating, after toileting and diapering, after handling animals, after entering the facility from outdoors, before water play, after wiping their nose, and after any other activity when the hands become contaminated. Signs are posted reminding staff and children of proper hand-washing procedures.
Staff and volunteers follow universal precautions to prevent transmission of blood-borne diseases and the program has a blood-borne pathogen procedure, as required by the Occupational Safety and Health Administration (OSHA).
The program requires parents to provide proper attire for active play indoors and outdoors.
At least one staff member, who has certification in first aid treatment, including CPR for infants and children and emergency management of choking, is always present. Current certificates are kept on file.

Health and Sanitation: CDC ONLY

Infant equipment is washed and disinfected at least daily. Toys that are mouthed are removed immediately after mouthing and are washed and sanitized prior to being used by another child.
Individual bedding is washed at least once a week and used by only one child between washings. Individual cribs, cots, and mats are washed if soiled.
Diapering procedures are in accordance with national recommendations and are posted in diapering areas.

TABLE 1—CDC AND SCHOOL-AGE PROGRAMS STANDARDS OF OPERATIONS—Continued

Sinks used for diapering are not co-located with food service areas or the sink used for dishwashing.
D. Fire and Safety
Fire and Safety: Both CDC and SAC
Comprehensive fire and safety inspections have been completed within the last 12 months, corrective actions have been completed per specified timelines, and the inspection reports are available for review.
A safety walk-through of all play areas is conducted daily. Safety concerns are identified, documented, and corrected immediately or put off limits to children until they can be corrected.
The building, playground, and all equipment are maintained in safe, clean condition, are in good repair, and there are no observable safety hazards in the indoor and outdoor program space.
Stairways and ramps are well lighted and equipped with handrails, where appropriate.
Fire extinguishers, smoke detectors, and carbon monoxide detectors, where required, are in working order, and documentation shows status is checked monthly.
Adequate first aid supplies are readily available and maintained. First aid supplies are available during field trips and outings.
Toys and materials do not present a choking hazard for children under age 3 years.
Chemicals and potentially dangerous products, such as medicine or cleaning supplies, are stored in original, labeled containers in locked cabinets inaccessible to children. Diluted bleach solution must be accessible to staff in an unlocked location, but inaccessible to children.
There is a written plan for reporting and managing emergencies, including terrorist attacks, severe storm warnings, medical and pandemic emergencies, or a lost or missing child, which includes shelter in place and evacuation procedures. Staff and volunteers understand the plan.
Evacuation drills are conducted monthly at different times of the day or evening when children are in care. The drills are documented.
Emergency telephone numbers including police, fire, rescue, and poison control services are posted by telephones and are available at all times.
Staff and regular volunteers are familiar with primary and secondary evacuation routes and practice evacuation procedures monthly with children.
A system is in place to keep unauthorized people from taking children from the program.
Smoking and use of tobacco is not permitted in the facility or in the sight or presence of children.
Fire and Safety: CDC ONLY
Cribs meet the current CPSC guidelines.
CPSC crib safety guidelines are followed: infants are placed on their backs for sleeping; soft cushions, such as pillows, comforters, thick blankets, quilts, or bumper pads are not used in cribs.
E. Parent Involvement/Participation
Parent Involvement/Participation: Both CDC and SAC
Parents have access to their children at all times, are helped to feel welcome and comfortable, and are treated with respect.
Written information is available to families, including operating policies and procedures, program philosophy, and a parent participation plan.
Programs are encouraged to include the culture and language of the families they serve. Families are encouraged to share their heritage and culture.
Parents are offered a program orientation as a part of the child enrollment process.
Parents are informed about the program and curriculum and about policy or regulatory changes and other critical issues that could potentially affect the program, through newsletters, bulletin boards, technology, and other appropriate means.
Families are encouraged to participate in the planning and evaluation of the CDC and SAC programs with regards to their child's care and development. They are encouraged to be involved in the program in various ways, taking into consideration working parents and those with little spare time.
There is a parent board that meets on a scheduled basis through in-person or virtual meetings. The board meets periodically to provide opportunities for families to have input regarding policies, procedures, and plans for meeting children's needs.
Staff work in collaborative partnerships with families, establishing and maintaining daily or ongoing two-way communication with children's parents to build trust, share changes in a child's physical or emotional state regularly, facilitate smooth transitions for children, and ensure that children's learning and developmental needs are met.
Policies ensure that staff and parents have an effective way of negotiating difficulties and differences that arise in their interactions.
Programs inform families on how to increase physical activity, improve nutrition, and reduce screen time (TV, video games, computers, etc.).
The program provides information to parents to ensure that each child has routine health assessment by the child's primary care provider, according to standards of the AAP, to include evaluation for nutrition-related medical problems.
Parent Involvement/Participation: CDC ONLY
Conferences are held at least once per year and at other times, as needed, to discuss children's progress, accomplishments, and difficulties at home and at the program.
F. Learning Activities and Interaction with Children
Both CDC and SAC
Learning activities reflect the program's written statement of its philosophy and goals for children. This statement is available to all staff and families.
The program is designed to reasonably accommodate and be inclusive of all children, including those with identified disabilities as well as special learning, medical, and developmental needs.
Programs have established a planned program of developmentally appropriate activities that recognizes the individual differences of children and provides an environment that encourages children's self-confidence, self-help, life skills, curiosity, creativity, and self-discipline.
Staff include age-appropriate nutrition education activities in the curriculum.

TABLE 1—CDC AND SCHOOL-AGE PROGRAMS STANDARDS OF OPERATIONS—Continued

The daily schedule provides a balance of activities in consideration of the child's daily routine and experience.
Staff are engaged and interact frequently with children, speaking in a friendly, positive, and courteous manner, respectful of gender, race, religion, family background, special needs, and culture. The physical environment supports these interactions.
Staff conduct smooth and unregimented transitions between activities and are flexible in changing planned or routine activities, as appropriate. Infants and toddlers are not expected to function in large group activities.
Staff use a variety of teaching strategies to enhance children's learning and development throughout the day.
Staff addresses bullying and supports positive behavior by modeling appropriate behavior, responding consistently to issues, and encouraging children to resolve their own conflicts, when possible and appropriate.
The outdoor environment meets the needs of children, allows them to be independent and creative, and have access to a variety of age-appropriate outdoor equipment and games. Staff plan and participate in children's active play.
Program materials are in good condition, sufficient for the number of children in the program, developmentally appropriate for the age of the children, and appropriate to the activities offered.
Screen time and the use of passive media is limited and developmentally appropriate. Media viewing and computer use is not permitted for children younger than 2 years.

CDC Only

There is a DoD Component-approved curriculum that supports school readiness. It is based on knowledge of child and youth development and learning, and assessment of individual needs and interests.
Developmentally appropriate activities emphasize concrete experiential learning and promote development in six developmental domains: social, physical, language and literacy, cognitive and intellectual, emotional, and cultural.
Individual observations of children's development and learning are written, compiled, assessed, and are used as a basis for planning appropriate learning activities.
Staff plan with families to make toileting, feeding, and the development of other self-regulation skills a positive experience for children.

SAC Only

Developmentally appropriate activities encourage physical fitness; positive self-esteem; intellectual, social, and physical achievement; leadership skills and initiative; lifelong recreation skill; positive use of leisure time; moral development and community leadership; self-reliance and independence; and respect for diversity.
SAC daily schedules are flexible, provide stability without being rigid, allow youth to
meet their physical needs (e.g., water, food, restrooms) in a relaxed way, allow children to move smoothly from one activity to another (usually at their own pace), and facilitate smooth transitions when it is necessary for children to move as a group.
Appropriate protected internet access and programs that teach technology are available.

G. Nutrition and Food Service

Both CDC and SAC

Meals and snacks are a pleasant, social learning experience for children.
The DoD Components will establish policies that are consistent with USDA guidelines for meals provided by parents. Under limited circumstances when meals are provided by parents, food storage and handling procedures are approved by local health and sanitation authorities.
Unless documented circumstances approved by the DoD Component prevent enrollment, all programs must enroll in the USDA CACFP (United States Department of Agriculture Child and Adult Care Food Program).
Dietary modifications are made on the basis of recommendations by the child's primary medical care provider and are documented. Documentation is available for religious and medical dietary substitutions. Menus contain some vegetarian meals.
The program provides or posts menus showing all foods to be served during that month. Core and cyclical menus are approved by a nutritionist or registered dietician. Foods typical of the child's culture and religious preferences, as well as a variety of healthful foods that may not be familiar to the child, are included.
The program provides healthy meals and snacks that include restrictions on the provision of juice and beverages with added sweeteners and no fried, high-fat, or highly salted foods.
Meals and snacks are conducted using family-style dining. In SAC programs, snacks may be served buffet style.

CDC Only

The program encourages, provides arrangements for, and supports breastfeeding.
There is an accountability system in place for bottles, including bottles for breast milk. Bottle-feeding is done in such a way as to minimize disease and promote interaction. Infants are held for bottle-feeding, bottles are never propped, never heated in a crock pot or microwave, and infants are never put to sleep with a bottle.
One adult should not feed more than one infant for bottle feeding, two children in high chairs, or three children who need assistance with feeding at the same time.

H. Supervision of Children

Both CDC and SAC

The following staffing requirements are met at all times, except during nap time (for CDC):
a. For infants from birth to 12 months, there are never more than four children per staff member.
b. For pre-toddlers 13 months to 24 months, there are never more than five children per staff member.
c. For toddlers, 25 months to 36 months, there are never more than seven children per staff member.
d. For children 37 months through 5 years, there are never more than twelve children per staff member.
e. For children 6 years through 12 years, there are never more than fifteen children per staff member.
During rest time, the staff-to-child ratios for children over 24 months of age may increase to twice the non-napping staff-to-child ratio. Sufficient staff are required to remain in the building during rest time to meet the non-napping ratios and be available to assist with emergencies.

TABLE 1—CDC AND SCHOOL-AGE PROGRAMS STANDARDS OF OPERATIONS—Continued

The following maximum group sizes are followed at all times:
a. For infants birth to 12 months, there are never more than eight children per group.
b. For pre-toddlers 13 months to 24 months, there are never more than ten children per group.
c. For toddlers, 25 to 36 months, there are never more than fourteen children per group.
d. For children thirty-seven months through five years, there are never more than twenty-four children per group.
e. For SAC, there are never more than thirty children per group.

In multi-age groupings, the Service may follow the ratio per age group. For example, four infants and five pre-toddlers equal a group of nine with two direct care personnel, or seven toddlers and twelve preschoolers equal a group of nineteen with two direct care personnel.

Volunteers or persons under 18 years of age may not be counted in determining compliance with staff-to-child ratios and are not allowed to work alone with children.

The program has an accountability system in place. Each staff member has primary responsibility and accountability for a group of children. There is specific accountability for each child by one staff member. Systems are in place for accounting for children's whereabouts, especially during periods of transition and emergencies.

Children are released only to their parents or guardian. Children may be released to a designee when signed permission is given by the parent or guardian.

Families are notified about procedures and policies for field trips. Families are notified of all activities outside the center.

Children are under adult supervision at all times. Staff are not permitted to use personal electronic devices (including, but not limited to cell phones, iPods, smart phones, etc.) when supervising children.

CDC Only

At least two staff members must be present with each group of children at all times. When one staff person is alone with a single ratio of children, the program director or designee frequently monitors the room through closed circuit television or visual access panels to ensure oversight by more than one adult. In this case, the staff member must have an initiated National Agency Check Investigation (NACI) and the program director or designee must have a completed NACI.

Infants and toddlers spend the majority of the time interacting with staff who have primary responsibility for them each day.

SAC Only

At least two paid staff members shall be present whenever children are in the facility.

Adult volunteers may supplement paid staff during field trips and other activities away from the facility. Only paid staff are counted in the ratio.

Signed permission is given by the parent allowing the child to self-release for a specific organized activity. Self-release procedures are consistent with the installation home alone policy or self-care policy.

I. Child Abuse Prevention and Reporting

Both CDC and SAC

A NACI to include a name-based criminal history record check (State and Federal) and fingerprint check has been initiated on all staff. Background checks are tracked to ensure completion in a timely manner.

All individuals in a CDP who have contact with children have completed a DD Form X656 ''Basic Criminal History and Statement of Admission''

Updates to the background checks are completed every five years.

Newly hired staff without a completed background check are readily identifiable and work within line of sight of a staff member with a completed check.

Hiring practices include careful checking of references of all potential employees and volunteers.

The program has a written guidance, discipline, and touch policy that is available to staff and families. Staff do not use corporal punishment or other negative discipline methods that hurt, humiliate, or frighten children.

The program has a child abuse and neglect policy that includes reporting requirements for staff as well as procedures to be followed should a staff member be accused of abuse or neglect. This information is included in employee handbooks. All staff are knowledgeable of the policy.

The DoD Child Abuse and Safety Hotline telephone number is displayed in a highly visible area where parents can see it. The telephone number is published in parent handbooks and other brochures.

The facility is designed in accordance with the Unified Facilities Criteria (UFC) 4–740–14, ''Design: Child Development Centers,'' to help minimize the risk of child abuse:
a. Access to children by those not employed by the program is restricted.
b. Areas to which a child or children can be taken out of view of others are limited.
c. All exit doors that do not open onto a fenced area have operating alarms, except the main entrance to the facility and the kitchen entrance.
d. Evening or weekend care is provided in rooms located near the front entryway to facilitate additional supervision by the front desk staff and parents.
e. In the CDC:
1) Children can be observed at all times by parents and supervisors.
2) There is visual access into and throughout activity rooms used for care, including nap time. Closed-circuit television, vision panels, and convex mirrors are used as necessary to facilitate visual access.
3) Diapering areas are visible.

All persons other than employees and family members bringing in or picking up children sign in and out at the front desk or with appropriate personnel. Visitors to the CDP shall sign in and out of the facility and wear a visitors badge at all times while they are in the facility or on playgrounds.

If transportation is provided for children by the program, vehicles are equipped with age-appropriate restraint devices in accordance with State and Federal requirements. The program maintains documentation that vehicles used in transporting children are appropriately licensed, inspected, and maintained. A current copy of the appropriate driver's license and Department of Motor Vehicles driving record is on file for staff members who transport children.

In SAC programs, a procedure for accountability when a child fails to show for the program is in place and followed.

TABLE 2—FCC STANDARDS OF OPERATION

A. Administrative
The installation regulates FCC in accordance with DoD Component requirements, ensuring care is not permitted unless subject to inspection and approval.
Processes are in place to support recruitment and retention of FCC providers.
Unannounced inspections are conducted by program staff following complaints.
B. Home
Where applicable, the DoD Component has a process to register and certify homes located off the installation or in privatized government housing.
The Certificate to Operate, issued by the DoD Component or designee, is displayed in a prominent location.
Providers can demonstrate proof of current liability insurance.
There is a signed contract between each family and provider. Parents are informed of changes in the provider's household composition.
Children are cared for by the provider or an approved substitute. Parents and the FCC administrator are informed when a substitute provider will be caring for their children. Civilian members of the provider's household providing care as a substitute must be approved and trained. Active duty Military Service members may serve as substitute providers only under circumstances approved by the DoD component.
There is adequate space indoors and outdoors in the home for the number of children in care to play, rest, and eat.
C. Health and Sanitation
On installations, comprehensive fire, safety, and sanitation inspections have been completed within the last 12 months, and the inspection reports are available for review.
The provider notifies parents and FCC of medical emergencies, communicable diseases or illness of the children, the provider, or the provider's family member(s). Health consultants will be informed based on installation policy.
Children are informally screened daily for illness based on criteria established by the DoD Component. Children are readmitted after illness only when their presence no longer endangers the health of other children.
Only physician-prescribed medications are administered; medications are only given with the written approval of the child's parents; and medications given are documented.
Providers have documented parental permission to apply basic topical care items such as sunscreen, insect repellant, and lotion.
Procedures for diapering, hand washing, and toileting are followed in accordance with national recommendations.
Providers follow universal precautions to prevent transmission of blood-borne diseases, and the provider has a blood-borne pathogen procedure, as required by OSHA.
Providers and children wash hands before and after eating, after toileting and diapering, after handling animals, after entering the home from outdoors, before water play, after wiping their nose, and after any other activity when the hands become contaminated. Signs are posted reminding providers and children of proper hand-washing procedures.
Homes are maintained in a sanitary manner.
Individual bedding is washed at least once a week and used by only one child between washings. Individual cribs, cots, and mats are washed if soiled.
Infant equipment is washed and disinfected at least daily. Toys that are mouthed are removed immediately after mouthing and are washed and sanitized prior to being used by another child.
All windows used for ventilation are properly screened.
Providers do not consume alcohol while children are in care.
Smoking is not permitted in the home or outdoor area while children are in care.
D. Fire and Safety
There are policies in place to ensure the home operates to protect children against the risk of fire and safety hazards.
There is a policy to keep children protected from hazards stemming from poisoning, toxic materials, electrical shock, standing water, unsafe playground equipment, and strangulation.
There is a written plan for reporting and managing emergencies, including terrorist attacks, severe storm warnings, medical and pandemic emergencies, or a lost or missing child, which includes shelter in place and evacuation procedures. Providers and volunteers understand the plan.
First aid supplies are readily available for emergencies and maintained.
Evacuation drills are conducted monthly at different times of the day or evening when children are in care. The drills are documented.
There is a working landline or cellular phone within the home. Emergency telephone numbers including police, fire, rescue, and poison control services, and instructions are accessible or kept with the telephone(s).
Providers use safety gates to prevent children from falls. Door locks that can entrap children inside a bathroom or bedroom may be opened from the outside.
If there are firearms in the home, the ammunition must be removed from the firearm. Firearms and ammunition are stored separately in locked cabinets that are inaccessible to children.
Young infants are placed on their backs for sleeping to lower the risk of SIDS. Soft cushions, pillows, thick blankets, and comforters are not used in cribs.
Providers shall not permit children to sleep in family beds unless a separate bed is designated for the child and clean linens are provided.
Cribs meet CPSC guidelines. The sides of infants' cribs shall be in a locked position when cribs are occupied and do not present a strangulation or entrapment hazard.
Providers inform parents if they will be taking children from the home while they are in care.
If transportation is provided for children by the provider, age-appropriate restraint devices are used, and appropriate safety precautions are taken.
A current copy of the driver's license and proof of insurance is on file for providers who transport children.
E. Parent Involvement/Participation
Parents are given access to the home at all times when their children are present.

TABLE 2—FCC STANDARDS OF OPERATION—Continued

Parents are provided with a copy of policies governing FCC.
The provider communicates regularly with parents and recognizes them as partners in the care of children, and there is a prominent place to display information for parents.
Parents are provided with information about the importance of routine health supervision by the child's primary care provider, according to standards of the AAP, to include evaluation for nutrition-related medical problems.
F. Learning Activities and Interaction with Children
Activities and experiences are provided daily that enhance children's physical, social, emotional, and cognitive development.
Activities include age-appropriate nutrition education.
There are enough toys and materials, home-made or purchased, to engage all the children in developmentally appropriate ways.
Toys, materials, and equipment are in good repair and are arranged so children are able to select and put toys and materials away with little or no assistance.
A variety of daily activities is planned for indoors and outdoors. There is a balance between child-initiated and adult-directed activities. A daily schedule of activities is posted for parents to see.
The provider plans and participates in children's active play.
The provider interacts frequently with the children and shows them affection and respect. The provider speaks to children in a friendly, courteous manner.
Children's routines are handled in a relaxed and individualized manner that promotes respect and opportunities to develop self-esteem, self-discipline, and learning by doing.
Screen time (e.g., non-active video games) and the use of passive media, (e.g., television, audio tapes), are limited and developmentally appropriate. Media viewing and computer use are not permitted for children younger than 2 years.
The provider observes and evaluates each child's growth and development for program planning.
G. Nutrition and Meal Service
Unless documented circumstances prevent enrollment, providers are offered the opportunity to enroll in the USDA CACFP and all meals and snacks are prepared, handled, transported, and served according to USDA CACFP guidelines found in 7 CFR part 226.
Providers develop written menus showing all foods to be served during that month, and the menus are available to parents and guardians. Menus are posted for meals and snacks.
Dietary modifications are made on the basis of recommendations by the child's primary care provider and are documented. Documentation is available for religious and medical dietary substitutions. Menus contain some vegetarian meals.
Meals and snacks include restrictions on the provision of juice and beverages with added sweeteners and limited high-fat and salted foods.
Food is prepared, served and stored in a sanitary manner. If meals are provided by parents, food storage and handling procedures are approved by local health and sanitation authorities.
All children present are served meals or snacks. Meals and snacks for toddlers, preschool, and school-age children use family-style dining.
Bottle-feeding is done in such a way as to minimize disease and promote interaction. Infants are held for bottle-feeding. Bottles are never propped, never heated in a crock pot or microwave, and infants are never put to sleep with a bottle.
There is an accountability system in place for bottles, including bottles for breast milk.
The provider encourages, provides arrangements for, and supports breastfeeding. There is an accountability system in place for bottles.
H. Supervision of Children
The maximum group size in a home is six children per provider, including the provider's own children under the age of eight. a. When all children are under the age of two, the maximum group size at any one time is three. b. In mixed-age groups, the number of children under two years of age is limited to two children. c. When all children are school-age, the maximum group size is eight.
Parents sign children in and out of the home on a daily basis. Children are only released to persons that parents have authorized in writing. Children may sign themselves out of the home consistent with the installation home alone policy or self-care policy and parental consent.
Providers supervise all children in care both inside and outdoors. School-age children may be outside without direct supervision as long as they are within sight or sound of the provider.
I. Child Abuse Prevention and Reporting
Providers, substitute providers, and individuals age 18 and older living in the home, must complete a background check annually.
All individuals in a CDP who have contact with children have completed a DD Form X656 ''Basic Criminal History and Statement of Admission''.
The DoD Child Abuse and Safety Hotline telephone number is displayed in a highly visible area where parents can see it. The telephone number is published in parent materials.
Children are never left alone with a visitor or another adult who is not authorized to care for children.
There is a guidance policy in place, and providers do not use corporal punishment or other negative discipline methods that hurt, humiliate, or frighten children.

TABLE 3—ERIS

Oversight	
The State Child Care Licensing/Regulating Agency conducts an annual on-site inspection of the facility and program.	
SCR 01—Staff-Child Ratio/Group Size (SCR)	
	Standard
SCR 01.01	RATIO (number of children per child care provider/staff). Ratios must be equal to or lower than: 1:4 or less for infants (birth to 12 months).

TABLE 3—ERIS—Continued

	1:5 or less for pre-toddlers (13–24 months). 1:7 or less for toddlers (25–36 months). 1:12 or less for preschool (37 months-5 years). 1:15 or less for school age (6–12 years).
SCR 01.02	GROUP SIZE (the total number of children within various age groups). Group size must be equal to or lower than: Eight or less for infants (birth to 12 months) with two caregiving staff per eight infants. Ten or less for pre-toddlers (13–24 months) with two caregiving staff per ten pre-toddlers. Fourteen or less for toddlers (25–36 months) with two caregiving staff per fourteen toddlers. Twenty four or less for preschool (27 months–5 years) with two caregiving staff per twenty four pre-schoolers. Twenty four/thirty or less for school age (6–12 years) with two caregiving staff per twenty four/thirty school agers.
SCR 01.03	MULTI–AGE GROUPINGS (more than one age group in a room). No more than TWO AGE GROUPs may be combined within 18 month range (THIS DOES NOT APPLY TO SAC). Each age group is represented by appropriate ratio. Examples: two caregiving staff: four infants and five pre-toddlers; twp caregiving staff: five pre-toddlers and seven toddlers; two caregiving staff: seven toddlers and twelve preschoolers.

BAC 02—Background Check/Child Abuse Prevention (BAC)

	Standard
BAC 2.01	Background checks are completed and documented for each employee or regular volunteer who is in contact with children, including management, administration, classroom, support staff, and individuals contracted for hire.
BAC 02.02	Background checks are renewed and documented every 5 years for each employee or regular volunteer who is in contact with children, including management and administration, classroom staff, and support staff.
BAC 02.03.a	Background checks include documentation of State Criminal History Repository completed for all states that an employee or prospective employee lists as current and former residences, in an employment application by using fingerprints.
BAC 02.03.b	Background checks include documentation of FBI fingerprint check and name-based criminal history records check of law enforcement records completed for any States lived in by applicant during the past 5 years.
BAC 02.03.c	Background checks include documentation of a review of the State Child Abuse Registry.
BAC 02.03.d	Background checks include a review of the State Sex Offender Registry.
BAC 02.04	Each employee and regular volunteer is trained annually about child abuse prevention, common symptoms, and signs of child abuse.
BAC 02.05	All employees and regular volunteers are trained annually on HOW to report, WHERE to report, and WHEN to report possible child abuse or neglect.

SR 03—Staff Requirements (SR)

	Standard
SR 03.01.a	Director has a minimum of a Bachelor's Degree (BA) in childhood education, child development, social work, nursing, or other child-related field AND experience working with the age groups enrolled in the program. In the event that the director does not have a BA degree in those areas, the director must have an AA degree and must be working toward the completion of a BA degree.
SR 03.01.b	The director is not responsible for a classroom of children.
SR 03.02	The direct care personnel are at least 18 years old and have a high school diploma or a graduation equivalency diploma (GED).

TRG 04—Training Requirements (TRG)

	Standard
TRG 04.01	Orientation is provided for each staff member and includes training on the following: early childhood development and education; child abuse recognition, prevention, and reporting; safety; first aid; proper hygiene; and positive guidance.
TRG 04.02.a	There is an annual training plan for directors. Topics shall include, but are not limited to: Child abuse prevention and positive guidance. Universally accepted health and safety practices to include hand washing. Emergency preparedness and evacuation procedures. Social and emotional needs of children. Developmentally appropriate practices. General management practices, such as financial management, facility management, staff development, and working with parents. Safe sleep practices.
TRG 04.02.b	There is an annual training plan for staff that include topics such as: Child abuse prevention and positive guidance. Universally accepted health and safety practices to include hand washing. Social and emotional needs of children.

TABLE 3—ERIS—Continued

	Developmentally appropriate practices.
TRG 04.03	Staff complete forty hours of initial orientation training within the first three months.
TRG 04.04	Staff are required to complete at least 24 hours of training per year.
TRG 04.05	At least one staff member certified in emergency pediatric first aid treatment, including CPR for infants and children and emergency management of choking, is present in the facility during hours of operation.
IMM 05—Immunizations (IMM)	
Standard	
IMM 05.01	Children's records include EITHER: Documentation of current age-appropriate immunizations, as recommended by the AAP; OR A letter of exception on file and a statement of medical religious exception.
IMM 05.02	Staff files include a copy of a TB screening. Also included is documentation of a general health assessment or a physical examination completed during employment in-processing. Information is available at: *http://www.cdc.gov/media/.*
SUP 06—Supervision/Guidance (SUP)	
Standard	
SUP 06.01.a	The written policies and practices of the program specify that staff supervise children at all times, including nap times. No child is left alone or unsupervised.
SUP 06.01.b	The written policies and practices of the program specify that children are released only to persons listed on the child's registration form or for whom the parents have provided written authorization.
SUP 06.01.c	The written policies and practices of the program specify that parent, or authorized adult, signs children in and out upon arrival and departure each day, and attendance records are kept. A system is in place for accounting for school-age arriving from school or other activities without the parent (for example, children transported to the program by a school bus).
SUP 06.02	Organizational policy prohibits: punishment by spanking or hitting or other physical means, to include corporal punishment; isolation from adult sight; confinement, binding, humiliation, or verbal abuse; deprivation of food and water, outdoor play or activities, or other program components; inappropriate touch; and punishment for lapses in toilet training or refusing food.
DRL 07—Evacuation and Fire Drills (DRL)	
Standard	
DRL 07.01	The program has a written plan for emergency evacuation (for example, a plan for evacuating building occupants in case of fire, tornado, earthquake, hurricane, or other disaster that could pose a health and safety hazard).
DRL 07.02	Procedures are in place to ensure all children in attendance are accounted for during an evacuation drill or event.
DRL 07.03	There is an automatic fire detection and alarm system in place, and it is operational.
DRL 07.04	A fire extinguisher is accessible and in operating condition.
DRL 07.05	Fire and emergency evacuation drill procedures are practiced at least monthly.
HWD 08—Hand Washing and Diapering (HWD)	
Standard	
HWD 08.01	Policies are in place to ensure staff and children wash their hands with soap and warm running water: Before eating or food preparation. After toileting or changing diapers. After handling animals, and after any other activity when the hands may become contaminated to include returning from outside.
HWD 08.02	Toileting and diapering areas are not located in food preparation areas. The areas are in easily visible locations and are sanitary.
MED 09—Medication and Health (MED)	
Standard	
	If the program does not administer medications, proceed to 09.02.
MED 09.01.a	The program has a written policy and clear procedures on administering medicine, proper storage, and labeling.
MED 09.01.b	If medication (prescription and/or over-the-counter) is administered, written parental permission is kept on file and instructions from a physician are required ("N/A" is allowed if no children currently receive medication).
MED 09.01.c	Designated staff are trained to administer the medicine, and the training is updated annually.
MED 09.02	First aid kits are readily available and maintained.
MED 09.03.a	Programs provide healthy meals and snacks consistent the U.S. Dietary Guidelines and are encouraged to participate in the USDA CACFP.
MED 09.03.b	Programs are encouraged to limit sugar-sweetened juices, beverages, and snacks, and high-fat and high-salt foods.

TABLE 3—ERIS—Continued

MED 09.04	Bottle-feeding is done in such a way to minimize disease and promote interaction. For example, infants are held for bottle-feeding, bottles are never propped, never heated in a crock pot or microwave, and infants are never put to sleep with a bottle.
EMG 10—Emergency Plan/Contact Information (EMG)	
Standard	
EMG 10.01.a	There is a written plan for reporting and managing a lost or missing child.
EMG 10.01.b	There is a written plan for reporting and managing injuries requiring medical or dental care, including hospitalization or serious injury.
EMG 10.01.c	There is a written plan for reporting and managing abuse or neglect of a child.
EMG 10.01.d	There is a written policy that requires all parents to provide emergency information to include: Multiple contact phone numbers (work, cellular, home). Emergency contact phone numbers (relatives or friends) authorized to pick up the child if parent cannot be reached. The child's physician, dentist, and emergency room preference.
OUT 11—Outdoor Play Area (OUT)	
Standard	
OUT 11.01	The playground and all equipment are maintained in safe, clean condition, in good repair, and there are no observable safety hazards and no entrapment areas.
OUT 11.02	Playground equipment is surrounded by resilient surfaces (e.g., fine, loose sand, wood chips, wood mulch) of an acceptable depth (9 inches) or by rubber mats manufactured for such use.
OUT 11.03	The playground equipment is arranged to ensure that a child is visible and supervision is maintained.
OUT 11.04	There is a plan to check and inspect playgrounds on a weekly basis. Each staff member is responsible for immediately reporting hazards or unsafe areas to the director.
HAZ 12—Hazardous Materials and General Safety (HAZ)	
Standard	
HAZ 12.01	Accident protection and liability insurance coverage are maintained for children and adults.
HAZ 12.02	All chemicals and potentially dangerous products, such as medicine or cleaning supplies are stored in original, labeled containers in locked cabinets inaccessible to children.
HAZ 12.03	Poisonous or potentially harmful plants on the premises are inaccessible to children.
HAZ 12.04	Children are protected from accidental drowning by limiting access to all bodies of water.
HAZ 12.05	Electrical outlets are covered in all areas accessible to children, including corridors.
HAZ 12.06	Toys and art supplies are made of safe, non-toxic, durable, and cleanable materials.
HAZ 12.07	There are no items that could cause choking or strangulation. Additional information is available at: *http://www.cpsc.gov/*.
HAZ 12.08.a	Infants are placed on their backs for sleeping to lower the risk of SIDS.
HAZ 12.08.b	Staff make sure that soft surfaces such as pillows, quilts, thick blankets, and soft bumpers are not used in the crib.
HAZ 12.09	The building has been inspected for dangerous substances such as lead, radon, formaldehyde, asbestos, etc., in accordance with State requirements.
PAR 13—Parent Involvement (PAR)	
Standard	
PAR 13.01	Families are offered an orientation and information prior to enrolling to include: hours of operation, enrollment policies, program costs, inclusion of special needs children, and opportunities for parent involvement.
PAR 13.02	The program policy clearly includes open door policy; family members are welcome visitors in the program at all times.
PAR 13.03	The program provides opportunities for communication between parents and staff verbally or in writing on a daily basis.
DEV 14—Developmentally Appropriate Environment and Materials (DEV)	
Standard	
DEV 14.01	Classrooms are arranged to facilitate a variety of activities for each age group and provide areas where children can play and work independently or with friends.
DEV 14.02	Classrooms are well lit, ventilated, and kept at a comfortable temperature.
DEV 14.03.a	Staff offer a variety of developmentally appropriate activities and materials for children indoors and outdoors that are respective of children's race, gender, religion, family background, culture, age, and special needs and include: Language and literacy. Physical development. Health, safety, and nutrition. Creative expression.

TABLE 3—ERIS—Continued

	Cognitive development. Social and emotional development.
DEV 14.03.b	Weekly classroom schedules include opportunities for alternating periods of quiet and active play, child-initiated and teacher-initiated activity, and individual, small group, and large group activities. Schedules are available for parents to review.
DEV 14.03.c	Programs provide an opportunity for physical activity on a daily basis.
DEV 14.03.d	Screen time (e.g., non-active video games) and the use of passive media (e.g., television, audio tapes) are limited and developmentally appropriate.

Dated: May 9, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–11105 Filed 5–15–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2014–0056]

RIN 1625–AA08

Special Local Regulations for Marine Events, Atlantic Ocean; Ocean City, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations during the ''2014 Ocean City Air Show,'' a marine event to be held above the waters of the Atlantic Ocean during June 12–15, 2014. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of the Atlantic Ocean in the vicinity of Ocean City, MD during the event.

DATES: This rule is effective from June 12, 2014 through June 15, 2014 and enforceable from 10 a.m. on June 12, 2014 through 4 p.m. on June 15, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0056]. 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 Mr. Ronald Houck, U.S. Coast Guard Sector Baltimore, MD; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl 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

On March 14, 2014, we published a notice of proposed rulemaking (NPRM) entitled ''Special Local Regulations for Marine Events, Atlantic Ocean; Ocean City, MD'' in the **Federal Register** (79 FR 14453). We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233. The purpose of the rule is to ensure safety of life on navigable waters of the United States during the 2014 Ocean City Air Show event.

C. Discussion of Comments, Changes and the Final Rule

The Coast Guard received no comments in response to the NPRM. No public meeting was requested and none was held.

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 special local regulations will only be in effect daily, from 10 a.m. through 4 p.m., from June 12, 2014 through June 15, 2014, (2) the Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly, and (3) although the regulated area applies to a certain portion of the Atlantic Ocean, vessel traffic will be able to transit safely around the regulated area.

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 received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to operate or transit through or within, or anchor in, the regulated area during the enforcement period. 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 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

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

4. Collection of Information

This rule 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 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 special local regulations issued in conjunction with a regatta or marine parade. The activities associated with an air show, such as air show performances and rehearsals, will occur over navigable waters of the United States and may have potential for negative impact on the safety or other interest of waterway users and near shore activities in the event area. The activity includes high speed and low altitude aerobatic maneuvers near the shoreline that generally rely on the use of navigable waters as a safety buffer to protect the public from hazards associated with an air show. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.35–T05–0056 to read as follows:

§ 100.35–T05–0056 Special Local Regulations for Marine Events, Atlantic Ocean; Ocean City, MD.

(a) *Regulated area.* The following area is a regulated area: All waters of the Atlantic Ocean in the vicinity of Ocean City, MD, bounded by the following coordinates: Point of origin at 38°21′38″ N, 075°04′04″ W; thence easterly to 38°21′27″ N, 075°03′29″ W; thence southerly to 38°19′35″ N, 075°04′19″ W; thence westerly to 38°19′45″ N, 075°04′54″ W; thence northerly to the point of origin. All coordinates refer to datum NAD 1983.

(b) *Definitions:* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U. S. Coast Guard who has been designated by the Commander, Coast Guard Sector Baltimore.

(2) *Official Patrol* means any vessel assigned or approved by Commander,

Coast Guard Sector Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* means all persons and vessels participating in the 2014 Ocean City Air Show event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Baltimore.

(c) *Special local regulations:* (1) The Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(2) With the exception of participants, all persons desiring to transit the regulated area must first obtain authorization from the Captain of the Port Baltimore or his designated representative. To seek permission to transit the area, the Captain of the Port Baltimore and his designated representatives can be contacted at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). All Coast Guard vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz).

(3) The Coast Guard Patrol Commander may terminate the event, or the operation of any participant in the event, at any time it is deemed necessary for the protection of life or property.

(4) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) *Enforcement period.* This section will be enforced daily, from 10 a.m. through 4 p.m., from June 12, 2014 through June 15, 2014.

Dated: April 24, 2014.

Kevin C. Kiefer,

Captain, U.S. Coast Guard, Acting Captain of the Port Baltimore.

[FR Doc. 2014–11399 Filed 5–15–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0035]

Drawbridge Operation Regulations; St. Croix River, Stillwater, MN

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; cancellation.

SUMMARY: The Coast Guard is canceling the scheduled temporary deviation concerning the operating schedule for the Stillwater Highway Drawbridge across the St. Croix River, mile 23.4, at Stillwater, Minnesota, during the 2014 navigation season.

DATES: The temporary deviation published on April 14, 2014, in the **Federal Register** (79 FR 20784) is cancelled as of May 15, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0035] 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 cancellation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone (314) 269–2378, email *Eric.Washburn@uscg.mil*. If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

A. Basis and Purpose

On April 14, 2014, we published a temporary deviation based on the City of Stillwater, Minnesota's request entitled ''Notice of deviation from drawbridge regulation; request for comments'' in the **Federal Register** (79 FR 20784). The temporary deviation concerned performing a functional review of drawspan operations during the navigation season by allowing the bridge to be operated on an altered opening schedule Monday through Friday (except Federal Holidays) for approximately 5 months. This deviation from the operating regulations was authorized under 33 CFR 117.35.

B. Cancellation

On April 16, 2014, a public meeting regarding this temporary deviation based on a request by the City of Stillwater was held.

After the public meeting, on April 23, 2014, the City of Stillwater rescinded their request for the temporary deviation; therefore, the Coast Guard is canceling the scheduled deviation.

Dated: May 2, 2014.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2014–11203 Filed 5–15–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0336]

Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, 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 Montlake Bridge across the Lake Washington Ship Canal, mile 5.2, at Seattle, WA, and the University Bridge across the Lake Washington Ship Canal, mile 4.3, at Seattle, WA. This deviation is necessary to accommodate the ''Beat the Bridge'' foot race. This deviation allows the bridges to remain in the closed position to allow for the safe movement of event participants.

DATES: This deviation is effective from 7:30 a.m. on May 18, 2014 to 9:30 a.m. on May 18, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0336] 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 and Seattle Department of Transportation have requested that the Montlake Bridge and the University Bridges remain closed to vessel traffic to facilitate safe passage of participants in the ''Beat the Bridge'' foot race. The race course passes over the University and Montlake Bridges. The University Bridge crosses the Lake Washington Ship Canal at mile 4.3 and while in the closed position provides 30 feet of vertical clearance throughout the navigation channel and 45 feet of vertical clearance through the center of the bridge; vertical clearance referenced to the Mean Water Level of Lake Washington. The Montlake Bridge crosses the Lake Washington Ship Canal at mile 5.2 and while in the closed position provides 30 feet of vertical clearance throughout the navigation channel and 46 feet of vertical clearance throughout the center 60-feet of the bridge; vertical clearance referenced to the Mean Water Level of Lake Washington.

Under normal conditions the Montlake Bridge operates in accordance with 33 CFR 117.1051(e) and the University Bridge operates in accordance with 33 CFR 117.1051(d) which require the bridges to open on signal, except that the bridges need not open for vessels less than 1,000 gross tons between 7 a.m. and 9 a.m. and 3:30 p.m. and 6:30 p.m. for the Montlake Bridge and 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. for the University Bridge Monday through Friday. This deviation period is from 7:30 a.m. on May 18, 2014 to 9:30 a.m. on May 18, 2014. The deviation allows the bascule spans of the Montlake Bridge and University Bridge to remain in the closed position and need not open for maritime traffic from 7:30 a.m. on May 18, 2014 to 9:30 a.m. on May 18, 2014. Waterway usage on the Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft.

Vessels able to pass through the bridge in the closed positions 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 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 drawbridges must return to its 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: May 5, 2014.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2014–11407 Filed 5–15–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0337]

Drawbridge Operation Regulation; Willamette River, Portland, OR

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 Steel Bridge across the Willamette River, mile 12.1, at Portland, Oregon. This deviation is necessary to accommodate the Rose Festival Rock N Roll Half Marathon. This deviation allows the upper deck of the Steel Bridge to remain in the closed position to allow for the safe movement of event participants.

DATES: This deviation is effective from 7:45 a.m. on May 18, 2014 to 1:30 p.m. on May 18, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0337] 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 City of Portland has requested that the upper deck of the Steel Bridge remain closed and need not open for vessel traffic in order to facilitate safe movement of participants in the Rose Festival Rock N Roll Half Marathon. The Steel Bridge crosses the Willamette River at mile 12.1 and is a double-deck lift bridge with a lower lift deck and an upper lift deck which operate independent of each other. When both decks are in the down position the bridge provides 26 feet of vertical clearance above Columbia River Datum 0.0. When the lower deck is in the up position the bridge provides 71 feet of vertical clearance above Columbia River Datum 0.0.

This deviation does not affect the operating schedule of the lower deck which opens on signal. Under normal conditions the upper deck of the Steel Bridge operates in accordance with 33 CFR 117.897(c)(3)(ii) which states that from 8 a.m. to 5 p.m. Monday through Friday one hour advance notice shall be given for draw openings and at all other times two hours advance notice shall be given to obtain an opening. This deviation period starts at 7:45 a.m. on May 18, 2014 and ends at 1:30 p.m. on May 18, 2014. The deviation allows the Steel Bridge upper deck to remain in the closed position and need not open for maritime traffic from 7:45 a.m. on May 18, 2014 to 1:30 p.m. on May 18, 2014. Waterway usage on this stretch of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft.

Vessels able to pass through the bridge in the closed positions 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 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: May 5, 2014.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2014–11408 Filed 5–15–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0345]

Drawbridge Operation Regulation; Harlem River, New York, 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 Amtrak Spuyten Duyvil Bridge across the Harlem River at mile 7.9, at New York City, New York. The deviation is necessary to facilitate repairs to the miter rails at the bridge. This temporary deviation authorizes the bridge to remain in the closed position for seven hours.

DATES: This deviation is effective from 11 p.m. on June 6, 2014 through 6 a.m. on June 7, 2014.

ADDRESSES: The docket for this deviation, USCG–2014–0345 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. Joe Arca, Project Officer, First Coast Guard District, telephone (212) 668–7165, email *joe.m.arca@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Amtrak Spuyten Duyvil Bridge across the Harlem River at mile 7.9, at New York City, New York, has a vertical clearance in the closed position of 5 feet at mean high water and 9 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.789(d). The waterway users are seasonal recreational vessels and commercial vessels of various sizes.

The owner of the bridge, Amtrak, requested a temporary deviation from the operating schedule to facilitate replacement of the miter rails at the bridge.

Under this temporary deviation the Amtrak Spuyten Duyvil Bridge may remain in the closed position from 11 p.m. on June 6, 2014 through 6 a.m. on June 7, 2014. Vessels that can pass under the bridge in the closed position may do so at any time. There are no alternate routes for vessel traffic. The bridge could be opened in an emergency situation.

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: May 6, 2014.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2014–11415 Filed 5–15–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0055]

Safety Zone; Fourth of July Fireworks, Crescent City, Crescent City Harbor, Crescent City, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Crescent City Fourth of July Fireworks display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 4 will be enforced from 9:30 p.m. to 10 p.m. on July 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7442 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone established in 33 CFR 165.1191, Table 1, Item number 4 on July 4, 2014. Upon commencement of the 30 minute fireworks display, scheduled to begin at 9:30 p.m. on July 4, 2014, the safety zone will encompass the navigable waters surrounding the land based launch site on the West Jetty of Crescent City Harbor within a radius of 700 feet in approximate position 41°44′41″ N, 124°11′59″ W (NAD 83) for the Fourth of July Fireworks, Crescent City in 33 CFR 165.1191, Table 1, Item number 4. Upon the conclusion of the fireworks display the safety zone shall terminate. This safety zone will be in effect from 9:30 p.m. to 10 p.m. on July 4, 2014.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 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 extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: February 26, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–11147 Filed 5–15–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–0228]

RIN 1625–AA00

Safety Zone, Brandon Road Lock and Dam to Lake Michigan Including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a segment of the Safety Zone; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel on all waters of the Chicago Sanitary and Ship Canal from Mile Marker 296.1 to Mile Marker 296.7 at specified times from May 19 to July 1, 2014. This action is necessary to protect the waterway, waterway users, and vessels from the hazards associated with the U.S. Army Corps of Engineers' installation of a new permanent fish barrier.

During the enforcement periods listed below, entry into, transiting, mooring, laying-up or anchoring within the enforced area of this safety zone by any person or vessel is prohibited unless authorized by the Captain of the Port, Lake Michigan, or his designated representative.

DATES: The regulations in 33 CFR 165.930 will be enforced from 7 a.m. to 4 p.m. on May 19 to May 23, May 27 to May 30, June 2 to June 6, June 9 to June 11, 2014 and from 7 a.m. to 11 a.m. and 1:00 p.m. to 5 p.m. on June 12 to June 13, June 16 to June 20, June 23 to June 27, June 30 to July 1, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email MST1 John Ng, Waterways Department, Coast Guard Marine Safety Unit Chicago, telephone 630–986–2122, email address *john.h.ng@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a segment of the Safety Zone; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel, Chicago, IL, listed in 33 CFR 165.930. Specifically, the Coast Guard will enforce this safety zone between Mile Marker 296.1 to Mile Marker 296.7 on all waters of the Chicago Sanitary and Ship Canal. Enforcement will occur from 7 a.m. to 4 p.m. on May 19 to May 23, May 27 to May 30, June 2 to June 6, June 9 to June 11, 2014 and from 7 a.m. to 11 a.m. and 1:00 p.m. to 5 p.m. on June 12 to June 13, June 16 to June 20, June 23 to June 27, June 30 to July 1, 2014. This enforcement action is necessary because the Captain of the Port, Lake Michigan, has determined that the U.S. Army Corps of Engineers' installation of a new permanent fish barrier poses risks to life and property. Because of these risks, it is necessary to control vessel movement during the operations to prevent injury and property loss.

In accordance with the general regulations in § 165.23, entry into, transiting, mooring, laying up, or anchoring within the enforced area of this safety zone by any person or vessel is prohibited unless authorized by the Captain of the Port, Lake Michigan, or his or her designated representative.

Vessels that wish to transit through the safety zone may request permission from the Captain of the Port, Lake Michigan. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. Approvals will be granted on a case by case basis. The Captain of the Port may be contacted via U.S. Coast Guard Sector Lake Michigan on VHF channel 16.

This document is issued under authority of 33 CFR 165.930 and 5 U.S.C. 552(a). In addition to this document in the **Federal Register**, the Captain of the Port, Lake Michigan, will also provide notice through other means, which may include Broadcast Notice to Mariners, Local Notice to Mariners, local news media, distribution in leaflet form, and on-scene oral notice. Additionally, the Captain of the Port, Lake Michigan, may notify representatives from the maritime industry through telephonic and email notifications.

Dated: May 7, 2014.

M.W. Sibley,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2014–11413 Filed 5–15–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0286]

RIN 1625–AA00

Safety Zones; Annual Events in the Captain of the Port Detroit Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zones for annual marine events in the Captain of the Port Detroit zone from 8:55 p.m. on May 25, 2014 through 10:05 p.m. on September 7, 2014. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after fireworks events. During the aforementioned period, the Coast Guard will enforce restrictions upon, and control movement of, vessels in a specified area immediately prior to, during, and immediately after fireworks events. During the enforcement period, no person or vessel may enter any safety zone without permission of the Captain of the Port.

DATES: The regulations in 33 CFR 165.941 listed below will be enforced at various times between 8:55 p.m. on May 25, 2014 through 10:05 p.m. on September 7, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email LT Jennifer M. Disco, Waterways Branch Chief, Marine Safety Unit Toledo, 420 Madison Ave., Suite 700, Toledo, Oh, 43604; telephone (419) 418–6049; email *Jennifer.M.Disco@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.941, Safety Zones; Annual Events in the Captain of the Port Detroit Zone, at the following times for the following events:

(1) *Put-In-Bay Fourth of July Fireworks, Put-In-Bay, OH.* The safety zone listed in 33 CFR 165.941(a)(5) will be enforced between from 9:40 p.m. until 10:20 p.m. on July 4, 2014. In case of inclement weather on July 4, 2014, this safety zone will be enforced from 9:40 p.m. until 10:20 p.m. on July 5, 2014.

(2) *Catawba Island Club Fireworks, Catawba Island, OH.* The safety zone listed in 33 CFR 165.941(a)(21) will be enforced from 9:30 p.m. to 10:15 p.m.

on July 3, 2014. In the event of inclement weather this regulation will be enforced from 9:30 p.m. to 10:15p.m. on July 5, 2014.

(3) *Catawba Island Club Fireworks, Catawba Island, OH.* The safety zone listed in 33 CFR 165.941(a)(28) will be enforced from 9:30 p.m. to 10 p.m. on August 31, 2014.

(4) *Toledo Fourth of July Fireworks, Toledo, OH.* The safety zone listed in 33 CFR 165.941(a)(54) will be enforced from 9:25 p.m. to 10:05 p.m. on July 4, 2014.

(5) *Bay Point Fireworks Display, Marblehead, OH.* The safety zone listed in 33 CFR 165.941(a)(58) will be enforced from 9:55 p.m. to 10:25 p.m. on July 5, 2014.

(6) *Catawba Island Club Memorial Day Fireworks, Catawba Island, OH.* The safety zone listed in 33 CFR 165.941 (a)(56) will be enforced from 8:55 p.m. to 9:25 p.m. on May 25, 2014.

(7) *Luna Pier Fireworks Show, Luna Pier, MI.* The safety zone listed in 33 CFR 165.941 (a)(16) will be enforced from 9:25 p.m. to 11:05 p.m. on July 5, 2014. In the event of inclement weather this regulation will be enforced from 9:25 p.m. to 11:05 p.m. on July 6, 2014.

(8) *Revolution3 Cedar Point Triathlon, Sandusky, OH.* The safety zone listed in 33 CFR 165.941 (a)(60) will be enforced from 5:55 p.m. to 10:05 p.m. on September 6, 2014 and from 5:55 p.m. to 10:05 p.m. on September 7, 2014.

Under the provisions of 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the Captain of the Port Detroit or his designated representative. Vessels that wish to transit through the safety zones may request permission from the Captain of the Port Detroit or his designated representative. Requests must be made in advance and approved by the Captain of Port Detroit before transits will be authorized. Approvals will be granted on a case by case basis. The Captain of the Port Detroit may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF–FM. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

This document is issued under authority of 33 CFR 165.23 and 5 U.S.C. 552 (a). If the Captain of the Port Detroit determines that the enforcement of these safety zones need not occur as stated in this document, he or she may suspend such enforcement and notify the public of the suspension via a Broadcast Notice to Mariners.

Dated: May 6, 2014.

J.E. Ogden,

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

[FR Doc. 2014–11418 Filed 5–15–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0268; FRL–9910–48–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Update of the Motor Vehicle Emissions Budgets for the Allentown-Bethlehem-Easton 1997 8-Hour Ozone National Ambient Air Quality Standard Maintenance Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's (Pennsylvania) State Implementation Plan (SIP). The revisions consist of an update to the Motor Vehicle Emissions Budgets (MVEBs) for nitrogen oxides (NO_X) for the 1997 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) SIP for the Allentown-Bethlehem-Easton 1997 8-Hour Ozone NAAQS Maintenance Area (Allentown Maintenance Area). The SIP revision also includes an updated point source inventory for NO_X. This rulemaking action approves the updated MVEBs and thereby makes them available for transportation conformity purposes. EPA is approving these revisions to the MVEBs and point source inventory in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on July 15, 2014 without further notice, unless EPA receives adverse written comment by June 16, 2014. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0268 by one of the following methods:

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

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2014–0268, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0268. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Asrah Khadr, (215) 814–2071, or by email at *khadr.asrah@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 7, 2014, Pennsylvania submitted a formal revision to its SIP. The SIP revision consists of updated MVEBs for NO_X for the 1997 8-Hour Ozone NAAQS. The SIP revision also includes an updated point source inventory for NO_X.

On July 18, 1997 (62 FR 38856), EPA established the 1997 8-Hour Ozone NAAQS. On April 30, 2004 (69 FR 23858), Lehigh, Northampton, and Carbon Counties were designated as nonattainment for the 1997 8-Hour Ozone NAAQS as a part of the Allentown-Bethlehem-Easton Nonattainment Area. On June 26, 2007, the Pennsylvania Department of Environmental Protection (PADEP) submitted a request for redesignation and a SIP revision which consisted of a maintenance plan, a 2002 base year inventory and MVEBs for transportation conformity purposes. On March 2, 2008 (73 FR 11557), EPA approved the SIP revision as well as the redesignation request made by PADEP; therefore the Allentown-Bethlehem-Easton Nonattainment Area was redesignated as an attainment area.

The currently SIP-approved MVEBs for the Allentown Maintenance Area were developed using the Highway Mobile Source Emission Factor Model (MOBILE6.2). On March 2, 2010 (75 FR 9411), EPA published a notice of availability for the Motor Vehicle Emissions Simulator (MOVES2010) model for use in developing MVEBs for SIPs and for conducting transportation conformity analyses. EPA commenced a two year grace period after which time the MOVES2010 model would have to be used for transportation conformity purposes. The two year grace period was scheduled to end on March 2, 2012. On February 27, 2012 (77 FR 11394), EPA published a final rule extending the grace period for one more year to March 2, 2013 to ensure adequate time for affected parties to have the capacity to use the MOVES model to develop or update the applicable MVEBs in SIPs and to conduct conformity analyses. On September 8, 2010, EPA released MOVES2010a, which is a minor update to MOVES2010 and which is used by Pennsylvania in this SIP revision.

II. Summary of SIP Revision

This SIP revision includes an update to the MVEBs for NO_X for the years 2009 (interim year) and 2018 (maintenance year) that were produced using the MOVES2010a model. This SIP revision also includes an update to the point source inventory for NO_X. The MVEBs, as well as the point source inventory, were not updated for volatile organic compounds (VOCs), therefore providing information about VOCs in the tables below is not applicable (N/A). A comparison between the previous point source inventory and the updated point source inventory is provided in ''Table 1, Summary of Point Source Inventory in tpd.'' The previously approved MVEBs were produced using the Mobile Source Emission Factor Model (MOBILE6.2). A summary of the updated MOVES-based emissions and previously approved MOBILE6.2-based emissions for the years 2004, 2009, and 2018 is provided in ''Table 2. Summary of Motor Vehicle Emissions in tpd.'' Even though there is an emissions increase in the MOVES-based MVEBs, the increase is not due to an increase in emissions from mobile sources. The increase is due to the fact that the MOVES model provides more accurate emissions estimates than MOBILE6.2, rather than growth that had not been anticipated in the maintenance plan. Also, part of the update of the MVEBs is the addition of a 2 ton per day (tpd) safety margin for NO_X. The MVEBs that will be utilized for transportation conformity purposes and include the safety margins are presented in ''Table 3. Updated MVEBs in tpd.'' These safety margins were added because emissions in the interim (2009) and maintenance (2018) years are significantly less than the attainment year emissions, which is the year that the Allentown Maintenance Area attained the standard. Additionally, Table 3 presents the portion of the MVEBs allotted to each metropolitan planning organization (MPO). In the case of the Allentown Maintenance Area, there are two MPOs involved in transportation planning for the counties that are a part of the maintenance area. The Lehigh Valley MPO serves Lehigh and Northampton Counties while the Northeastern Pennsylvania Alliance (NEPA) MPO serves Carbon County. A detailed summary of EPA's review and rationale for proposing to approve this SIP revision may be found in the Technical Support Documents (TSDs) prepared in support of this proposed rulemaking action and are available on line at *http://www.regulations.gov,* Docket number EPA–R03–OAR–2014–0628.

TABLE 1—SUMMARY OF POINT SOURCE INVENTORY IN TPD

	Current		Updated	
Year	2009	2018	2009	2018
NO_X	58.3	66.6	27.0	26.1

TABLE 2—SUMMARY OF MOTOR VEHICLE EMISSIONS IN TPD

Model	MOBILE6.2			MOVES2010a		
Year	2004	2009	2018	2004	2009	2018
VOCs	30.54	22.80	13.28	N/A	N/A	N/A
NO_X	48.33	33.89	14.44	59.38	44.08	21.95

TABLE 3—MVEBS FOR EACH MPO IN TPD

MPO	Lehigh Valley MPO		NEPA MPO	
Year	2009	2018	2009	2018
VOCs	20.6482	12.4328	3.4372	2.263

TABLE 3—MVEBS FOR EACH MPO IN TPD—Continued

MPO				
NO_X	39.1787	20.4058	6.8977	3.541

III. Final Action

EPA is approving Pennsylvania's SIP revision request from March 7, 2014 to update the MVEBs for the Allentown Maintenance Area to reflect the use of the MOVES model. EPA is also proposing to approve the update to the point source inventory. EPA is approving this SIP revision because it will allow the Allentown Maintenance Area to continue to be in attainment of the 1997 8-Hour Ozone NAAQS, and our in depth review of the SIP revision leads EPA to conclude that the updated MVEBs meet the adequacy requirements set forth in 40 CFR 93.118(e)(4)(i)–(vi), and the updated MVEBs have been correctly calculated to reflect the use of the MOVES model. As a result of EPA's approval, these updated MVEBs will be both adequate and SIP-approved for purposes of transportation conformity. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on July 15, 2014 without further notice unless EPA receives adverse comment by June 16, 2014. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

A. General Requirements

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

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 15, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register,** rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking action. This rulemaking action pertaining to the update of the MVEBs and point and area source inventories for the Allentown Maintenance Area may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: April 25, 2014.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by revising the entry for ''8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory for Allentown-Bethlehem-Easton Area: Carbon, Lehigh and Northampton Counties'' to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
8-Hour Ozone Maintenance Plan and 2002 Base Year Emissions Inventory.	Allentown-Bethlehem-Easton Area: Carbon, Lehigh and Northampton Counties.	6/26/07	3/4/08 73 FR 11557	Technical correction dated 8/9/07 addresses omitted emissions inventory information from 6/26/07 submittals.
		3/7/14	5/16/14 [*Insert page number where the document begins*].	Revised 2009 and 2018 Motor Vehicle Emission Budgets. Revised 2009 and 2018 point source inventories. See sections 52.2043 and 52.2052.
*	*	*	*	*

* * * * *

■ 3. Section 52.2043 is amended by adding paragraph (c) to read as follows:

§ 52.2043 Control strategy for maintenance plans: Ozone

* * * * *

(c) As of May 16, 2014, EPA approves the following revised 2009 and 2018 point source inventory for nitrogen oxides (NO_X) for the Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area submitted by the Secretary of the Pennsylvania Department of Environmental Protection:

Applicable geographic area	Year	Tons per day NO_X
Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area	2009	27.0
Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area	2018	26.1

■ 4. Section 52.2052 is amended by adding paragraph (c) to read as follows:

§ 52.2052 Motor vehicle emissions budgets for Pennsylvania ozone areas

* * * * *

(c) As of May 16, 2014, EPA approves the following revised 2009 and 2018 Motor Vehicle Emissions Budgets (MVEBs) for nitrogen oxides (NO_X) for the Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area submitted by the Secretary of the Pennsylvania Department of Environmental Protection:

Applicable geographic area	Year	Tons per day NO_X
Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area (Lehigh and Northampton Counties)	2009	39.18
Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area (Lehigh and Northampton Counties)	2018	20.41
Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area (Carbon County)	2009	6.90
Allentown-Bethlehem-Easton 1997 8-Hour Ozone Maintenance Area (Carbon County)	2018	3.54

[FR Doc. 2014–10695 Filed 5–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2010–0873; FRL–9909–98–OAR]

RIN 2060–AH23

Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action promulgates quality assurance and quality control (QA/QC) procedures (referred to as Procedure 3) for continuous opacity monitoring systems (COMS) used to demonstrate continuous compliance with opacity standards specified in new source performance standards (NSPS) issued by the EPA pursuant to section 111(b) of the Clean Air Act (CAA), Standards of Performance for New Stationary Sources.

DATES: This final rule is effective on November 12, 2014.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2010–0873. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., 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 at *www.regulations.gov* or in hard copy at the Air Docket, EPA/DC, William J. Clinton West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Docket Facility and Public Reading Room are open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Air Docket is (202) 566–1742, and the telephone number for the Public Reading Room is (202) 566–1744.

FOR FURTHER INFORMATION CONTACT: Ms. Lula H. Melton, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Assessment Division, Measurement Technology Group (Mail Code: E143–02), Research Triangle Park, NC 27711; telephone number: (919) 541–2910; fax number: (919) 541–0516; email address: *melton.lula@epa.gov.*

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I. General Information

A. Does this action apply to me?

Procedure 3 applies to COMS used to demonstrate continuous compliance with opacity standards specified in NSPS promulgated by the EPA pursuant to section 111(b) of the CAA, 42 U.S.C. 7411(b).

B. Where can I obtain a copy of this action?

In addition to being available in the docket, an electronic copy of this rule will also be available on the Worldwide Web (www) through the Technology Transfer Network (TTN). Following the Administrator's signature, a copy of the final rule will be placed on the TTN's policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control. A redline strikeout document that compares this final rule to the proposed rule has also been added to the docket.

C. Judicial Review

Under section 307(b)(1) of the CAA, judicial review of this final rule is available by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by July 15, 2014. Under section 307(d)(7)(B) of the CAA, only an objection to this final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under section 307(b)(2) of the CAA, the requirements that are the subject of this final rule may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

II. Background

Procedure 3 results in national consistency in the application of QA/QC procedures by applicable sources using COMS. We published a direct final rule and a parallel proposed rule for Procedure 3 in the **Federal Register** on February 14, 2012. The public comment period was originally scheduled to end on March 15, 2012, but was extended to April 30, 2012, at the request of several commenters. On March 28, 2012, the EPA withdrew the direct final rule based on the receipt of adverse comments on the parallel proposed rule.

III. Summary of Procedure 3

This final rule codifies Procedure 3 in 40 CFR part 60, Appendix F. Procedure 3 establishes requirements for daily instrument zero and upscale drift checks, daily status indicator checks, quarterly performance audits, and annual zero alignments, and requires source owners and operators to have a corrective action in place for malfunctioning COMS. In addition, Performance Specification 1 (which is the initial certification for COMS) provides requirements for the design, performance, and installation of a COMS and data computation procedures for evaluating the acceptability of a COMS. The requirements in Procedure 3 are modeled after manufacturers' maintenance recommendations. As a result, the EPA believes that most, if not all, owners/operators are already following procedures similar to those specified in Procedure 3. Therefore, there are no additional costs, or reporting burden, associated with implementing Procedure 3.

IV. Public Comments on Proposed Procedure 3

The EPA received 27 comments from state agencies, industry, and non-profit organizations. Nine commenters noted support for Procedure 3. Several commenters requested clarity with regard to applicability, so the

applicability statement is revised to indicate that Procedure 3 applies to COMS used to demonstrate continuous compliance with opacity standards in NSPS's only. More than half of the commenters stated that the 60-day compliance deadline is not enough time in cases where training is necessary or QA/QC plans need to be developed. In response, the EPA has extended the deadline to 180 days. Several commenters asked that we clarify the temporal definitions for the daily, quarterly, and annual audits because some units do not operate 24 hours a day, 7 days a week. In response, the temporal definitions are revised. Several commenters noted that a fault status indicator does not necessarily mean that data are invalid. The EPA agrees that a status indicator is a warning that opacity readings are nearing the limit and that the data are not necessarily invalid, so language that indicated the data would be considered invalid has been removed. Several commenters requested that we delete the requirement to remove the COMS to conduct zero alignment audits claiming that removing the COMS from the stack exposes it to potential damage and presents a safety hazard. However, the EPA believes that the zero alignment audit needs to be done off-stack annually unless a source owner or operator chooses the alternative that allows the installation of an external zero device that allows COMS removal from the stack every three years. Also, based on conversations with manufacturers, the EPA believes that the risks for damage when removing the COMS from the stack are minimal. Therefore, the requirement to remove the COMS to conduct zero alignment audits is finalized as proposed.

Individual comments, as well as the EPA's summary and response to the public comments, are available for public viewing in the docket under Docket ID No. EPA–HQ–OAR–2010–0873.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). The requirements in applicable regulations are broad enough to include the information collection requirements specified in Procedure 3. In addition, the requirements in Procedure 3 are modeled after manufacturers' maintenance recommendations. As a result, the EPA believes that most, if not all, owners/operators are already following procedures similar to those specified in Procedure 3. Therefore, there are no additional costs, or reporting burden, associated with implementing Procedure 3.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of accessing the impacts of this rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This final rule will not impose any additional requirements on small entities. This action establishes quality assurance/quality control procedures for continuous opacity monitoring systems used for compliance purposes.

D. Unfunded Mandates Reform Act

This rule does not contain a federal mandate that may result in expenditures of $100 million or more for state, local, and tribal governments, in the aggregate, or the private sector in any one year. Rules establishing quality assurance requirements impose no costs independent from national emission standards which require their use, and such costs are fully reflected in the regulatory impact assessment for those emission standards. Thus, this rule is not subject to the requirements of sections 202 or 205 of UMRA.

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action establishes quality assurance procedures for continuous opacity monitoring systems used to demonstrate continuous compliance with opacity standards as specified in new source performance standards (NSPS) promulgated by EPA pursuant to section 111(b) of the Clean Air Act, 42 U.S.C. 7411(b). It does not add any emission limits and does not affect pollutant emissions or air quality. Thus, Executive Order 13132 does not apply to this action.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action establishes quality assurance procedures for continuous opacity monitoring systems. It does not add any emission limits and does not affect pollutant emissions or air quality. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

This rulemaking involves technical standards. Therefore, the agency conducted a search to identify potentially applicable voluntary consensus standards. However we identified no such standards except ASTM D6216–12, and none were brought to our attention in comments. Therefore, the EPA has decided to use ASTM D6216–12.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This rule does not relax the control measures on sources regulated by the rule and, therefore, will not cause emissions increases from these sources.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective November 12, 2014.

List of Subjects in 40 CFR Part 60

Air pollution control, Environmental protection, Continuous opacity monitoring.

Dated: May 9, 2014.

Gina McCarthy,

Administrator.

For the reasons stated in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 60—[AMENDED]

■ 1. The authority citation for part 60 continues to read as follows:

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

■ 2. Appendix F of part 60 is amended by adding Procedure 3 to read as follows:

Appendix F to Part 60—Quality Assurance Procedures

* * * * *

Procedure 3—Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources

1.0 What are the purpose and applicability of Procedure 3?

The purpose of Procedure 3 is to establish quality assurance and quality control (QA/QC) procedures for continuous opacity monitoring systems (COMS). Procedure 3 applies to COMS used to demonstrate continuous compliance with opacity standards specified in new source performance standards (NSPS) promulgated by EPA pursuant to section 111(b) of the Clean Air Act, 42 U.S.C. 7411(b)—Standards of Performance for New Stationary Sources.

1.1 *What are the data quality objectives of Procedure 3?* The overall data quality objective (DQO) of Procedure 3 is the generation of valid and representative opacity data. Procedure 3 specifies the minimum requirements for controlling and assessing the quality of COMS data submitted to us or the delegated regulatory agency. Procedure 3 requires you to perform periodic evaluations of a COMS performance and to develop and implement QA/QC programs to ensure that COMS data quality is maintained.

1.2 *What is the intent of the QA/QC procedures specified in Procedure 3?* Procedure 3 is intended to establish the minimum QA/QC requirements to verify and maintain an acceptable level of quality of the data produced by COMS. It is presented in general terms to allow you to develop a program that is most effective for your circumstances.

1.3 *When must I comply with Procedure 3?* You must comply with Procedure 3 no later than November 12, 2014.

2.0 What are the basic functions of Procedure 3?

The basic functions of Procedure 3 are assessment of the quality of your COMS data and control and improvement of the quality of the data by implementing QC requirements and corrective actions. Procedure 3 provides requirements for:

(1) Daily instrument zero and upscale drift checks and status indicators checks;

(2) Quarterly performance audits which include the following assessments:

(i) Optical alignment,

(ii) Calibration error, and

(iii) Zero compensation.

Sources that achieve quality assured data for four consecutive quarters may reduce their auditing frequency to semi-annual. If a performance audit is failed, the source must resume quarterly testing for that audit requirement until it again demonstrates successful performance over four consecutive quarters.

(3) Annual zero alignment.

3.0 What special definitions apply to Procedure 3?

The definitions in Procedure 3 include those provided in Performance Specification 1 (PS–1) of Appendix B of this part and ASTM D6216–12 and the following additional definitions.

3.1 Out-of-control periods. Out-of-control periods mean that one or more COMS parameters falls outside of the acceptable limits established by this rule.

(1) *Daily Assessments.* Whenever the calibration drift (CD) exceeds twice the specification of PS–1, the COMS is out-of-control. The beginning of the out-of-control period is the time corresponding to the completion of the daily calibration drift check. The end of the out-of-control period is the time corresponding to the completion of appropriate adjustment and subsequent successful CD assessment.

(2) *Quarterly and Annual Assessments.* Whenever an annual zero alignment or quarterly performance audit fails to meet the

criteria established in paragraphs (2) and (3) of section 10.4, the COMS is out-of-control. The beginning of the out-of-control period is the time corresponding to the completion of the performance audit indicating the failure to meet these established criteria. The end of the out-of-control period is the time corresponding to the completion of appropriate corrective actions and the subsequent successful audit (or, if applicable, partial audit).

4.0 What interferences must I avoid?

Opacity cannot be measured accurately in the presence of condensed water vapor. Thus, COMS opacity compliance determinations cannot be made when condensed water vapor is present, such as downstream of a wet scrubber without a reheater or at other saturated flue gas locations. Therefore, COMS must be located where condensed water vapor is not present.

5.0 What do I need to know to ensure the safety of persons using Procedure 3?

Those implementing Procedure 3 may be exposed to hazardous materials, operations and equipment. Procedure 3 does not purport to address all of the safety issues associated with its use. It is your responsibility to establish appropriate health and safety practices and determine the applicable regulatory limitations before performing this procedure. You should consult the COMS user's manual for specific precautions to take.

6.0 What equipment and supplies do I need?

The equipment and supplies that you need are specified in PS–1. You are not required to purchase a new COMS if your existing COMS meets the requirements specified in Procedure 3.

7.0 What reagents and standards do I need?

The reagents and standards that you need are specified in PS–1. You are not required to purchase a new COMS if your existing COMS meets the requirements specified in Procedure 3.

8.0 What sample collection, preservation, storage, and transport are relevant to this procedure? [Reserved]

9.0 What quality control measures are required by this procedure for my COMS?

You must develop and implement a QC program for your COMS. Your QC program must, at a minimum, include written procedures which describe in detail complete step-by-step procedures and operations for the activities in paragraphs (1) through (4):

(1) Procedures for performing drift checks, including both zero and upscale drift and the status indicators check,

(2) Procedures for performing quarterly performance audits,

(3) A means of checking the zero alignment of the COMS, and

(4) A program of corrective action for a malfunctioning COMS. The corrective action must include, at a minimum, the requirements specified in section 10.5.

9.1 *What QA/QC documentation must I have?* You are required to keep the QA/QC written procedures required in section 9.0 on site and available for inspection by us, the state, and/or local enforcement agencies.

9.2 *What actions must I take if I fail QC audits?* If you fail two consecutive annual audits, two consecutive quarterly audits, or five consecutive daily checks, you must either revise your QC procedures or determine if your COMS is malfunctioning. If you determine that your COMS is malfunctioning, you must take the necessary corrective action as specified in section 10.5. If you determine that your COMS requires extensive repairs, you may use a substitute COMS provided the substitute meets the requirements in section 10.6.

10.0 What calibration and standardization procedures must I perform for my COMS?

(1) You must perform daily system checks to ensure proper operation of system electronics and optics, light and radiation sources and detectors, electric or electro-mechanical systems, and general stability of the system calibration. Daily is defined as any portion of a calendar day in which a unit operates.

(2) You must subject your COMS to a performance audit to include checks of the individual COMS components and factors affecting the accuracy of the monitoring data at least once per QA operating quarter. A QA operating quarter is a calendar quarter in which a unit operates at least 168 hours.

(3) At least annually, you must perform a zero alignment by comparing the COMS simulated zero to the actual clear path zero. Annually is defined as a period wherein the unit is operating at least 28 days in a calendar year. The simulated zero device produces a simulated clear path condition or low-level opacity condition, where the energy reaching the detector is between 90 and 110 percent of the energy reaching the detector under actual clear path conditions.

10.1 *What daily system checks must I perform on my COMS*? The specific components required to undergo daily system checks will depend on the design details of your COMS. At a minimum, you must verify the system operating parameters listed in paragraphs (1) through (3) of this section. Some COMS may perform one or more of these functions automatically or as an integral portion of unit operations; other COMS may perform one or more of these functions manually.

(1) You must check the zero drift to ensure stability of your COMS response to the simulated zero device. The simulated zero device, an automated mechanism within the transmissometer that produces a simulated clear path condition or low-level opacity condition, is used to check the zero drift. You must, at a minimum, take corrective action on your COMS whenever the daily zero drift exceeds twice the applicable drift specification in section 13.3(6) of PS–1.

(2) You must check the upscale drift to ensure stability of your COMS response to the upscale drift value. The upscale calibration device, an automated mechanism (employing an attenuator or reduced reflectance device) within the transmissometer that produces an upscale opacity value is used to check the upscale drift. You must, at a minimum, take corrective action on your COMS whenever the daily upscale drift check exceeds twice the applicable drift specification in section 13.3(6) of PS–1.

(3) You must, at a minimum, check the status indicators, data acquisition system error messages, and other system self-diagnostic indicators. You must take appropriate corrective action based on the manufacturer's recommendations when the COMS is operating outside preset limits.

10.2 *What are the quarterly auditing requirements for my COMS*? At a minimum, the parameters listed in paragraphs (1) through (3) of this section must be included in the performance audit conducted on a quarterly basis as defined in section 10.0(2).

(1) For units with automatic zero compensation, you must determine the zero compensation for the COMS. The value of the zero compensation applied at the time of the audit must be calculated as equivalent opacity and corrected to stack exit conditions according to the procedures specified by the manufacturer. The compensation applied to the effluent by the monitor system must be recorded.

(2) You must conduct a three-point calibration error test of the COMS. Three calibration attenuators, either primary or secondary must meet the requirements of PS–1, with one exception. Instead of recalibrating the attenuators semi-annually, they must be recalibrated annually. If two annual calibrations agree within 0.5 percent opacity, the attenuators may then be calibrated once every five years. The three attenuators must be placed in the COMS light beam path for at least three nonconsecutive readings. All monitor responses must then be independently recorded from the COMS permanent data recorder. Additional guidance for conducting this test is included in section 8.1(3)(ii) of PS–1. The low-, mid-, and high-range calibration error results must be computed as the mean difference and 95 percent confidence interval for the difference between the expected and actual responses of the monitor as corrected to stack exit conditions. The equations necessary to perform the calculations are found in section 12.0 of PS–1. For the calibration error test method, you must use the external audit device. When the external audit device is installed, with no calibration attenuator inserted, the COMS measurement reading must be less than or equal to one percent opacity. You must also document procedures for properly handling and storing the external audit device and calibration attenuators within your written QC program.

(3) You must check the optical alignment of the COMS in accordance with the instrument manufacturer's recommendations. If the optical alignment varies with stack temperature, perform the optical alignment test when the unit is operating.

10.3 *What are the annual auditing requirements for my COMS*?

(1) You must perform the primary zero alignment method under clear path conditions. The COMS must be removed from its installation and set up under clear path conditions. There must be no adjustments to the monitor other than the

establishment of the proper monitor path length and correct optical alignment of the COMS components. You must record the COMS response to a clear condition and to the COMS's simulated zero condition as percent opacity corrected to stack exit conditions. For a COMS with automatic zero compensation, you must disconnect or disable the zero compensation mechanism or record the amount of correction applied to the COMS's simulated zero condition. The response difference in percent opacity to the clear path and simulated zero conditions must be recorded as the zero alignment error. You must adjust the COMS's simulated zero device to provide the same response as the clear path condition as specified in paragraph (3) of section 10.0.

(2) As an alternative, monitors capable of allowing the installation of an external zero device may use the device for the zero alignment provided that: (1) The external zero device setting has been established for the monitor path length and recorded for the specific COMS by comparison of the COMS responses to the installed external zero device and to the clear path condition, and (2) the external zero device is demonstrated to be capable of producing a consistent zero response when it is repeatedly (i.e., three consecutive installations and removals prior to conducting the final zero alignment check) installed on the COMS. This can be demonstrated by either the manufacturer's certificate of conformance (MCOC) or actual on-site performance. The external zero device setting must be permanently set at the time of initial zeroing to the clear path zero value and protected when not in use to ensure that the setting equivalent to zero opacity does not change. The external zero device response must be checked and recorded prior to initiating the zero alignment. If the external zero device setting has changed, you must remove the COMS from the stack in order to reset the external zero device. If you employ an external zero device, you must perform the zero alignment audits with the COMS off the stack at least every three years. If the external zero device is adjusted within the three-year period, you must perform the zero alignment with the COMS off the stack no later than three years from the date of adjustment.

(3) The procedure in section 6.8 of ASTM D6216–12 is allowed.

10.4 *What are my limits for excessive audit inaccuracy*? Unless specified otherwise in the applicable subpart, the criteria for excessive inaccuracy are listed in paragraphs (1) through (4).

(1) What is the criterion for excessive zero or upscale drift? Your COMS is out-of-control if either the zero drift check or upscale drift check exceeds twice the applicable drift specification in PS–1 for any one day.

(2) What is the criterion for excessive zero alignment? Your COMS is out-of-control if the zero alignment error exceeds 2 percent opacity.

(3) What is the criterion to pass the quarterly performance audit? Your COMS is out-of-control if the results of a quarterly performance audit indicate noncompliance with the following criteria:

(i) The optical alignment indicator does not show proper alignment (i.e., does not fall within a specific reference mark or condition).

(ii) The zero compensation exceeds 4 percent opacity, or

(iii) The calibration error exceeds 3 percent opacity.

(4) What is the criterion for data capture? You must adhere to the data capture criterion specified in the applicable subpart.

10.5 *What corrective action must I take if my COMS is malfunctioning*? You must have a corrective action program in place to address the repair and/or maintenance of your COMS. The corrective action program must address routine/preventative maintenance and various types of analyzer repairs. The corrective action program must establish what diagnostic testing must be performed after each type of activity to ensure that the COMS is collecting valid, quality-assured data. Recommended maintenance and repair procedures and diagnostic testing after repairs may be found in an associated guidance document.

10.6 *What requirements must I meet if I use a temporary opacity monitor*?

(1) In the event that your certified opacity monitor has to be removed for extended service, you may install a temporary replacement monitor to obtain required opacity emissions data provided that:

(i) The temporary monitor has been certified according to ASTM D6216–12 for which a MCOC has been provided;

(ii) The use of the temporary monitor does not exceed 1080 hours (45 days) of operation per year as a replacement for a fully certified opacity monitor. After that time, the analyzer must complete a full certification according to PS–1 prior to further use as a temporary replacement monitor. Once a temporary replacement monitor has been installed and required testing and adjustments have been successfully completed, it cannot be replaced by another temporary replacement monitor to avoid the full PS–1 certification testing required after 1080 hours (45 days) of use;

(iii) The temporary monitor has been installed and successfully completed an optical alignment assessment and status indicator assessment;

(iv) The temporary monitor has successfully completed an off-stack clear path zero assessment and zero calibration value adjustment procedure;

(v) The temporary monitor has successfully completed an abbreviated zero and upscale drift check consisting of seven zero and upscale calibration value drift checks which may be conducted within a 24-hour period with not more than one calibration drift check every three hours and not less than one calibration drift check every 25 hours. Calculated zero and upscale drift requirements are the same as specified for the normal PS–1 certification;

(vi) The temporary monitor has successfully completed a three-point calibration error test;

(vii) The upscale reference calibration check value of the new monitor has been updated in the associated data recording equipment;

(viii) The overall calibration of the monitor and data recording equipment has been verified; and

(ix) The user has documented all of the above in the maintenance log.

(2) Data generated by the temporary monitor is considered valid when paragraphs (i) through (ix) in this section have been met.

10.7 *When do out-of-control periods begin and end*? The out-of-control periods are as specified in section 3.1.

10.8 *What are the limitations on the use of my COMS data collected during out-of-control periods*? During the period your COMS is out-of-control, you may not use your COMS data to calculate emission compliance or to meet minimum data capture requirements in this procedure or the applicable regulation.

10.9 *What are the QA/QC reporting requirements for my COMS*? You must report in a Data Assessment Report (DAR) the information required by sections 10.0, 10.1, 10.2, and 10.3 for your COMS at the interval specified in the applicable regulation.

10.10 *What minimum information must I include in my DAR*? At a minimum, you must include the information listed in paragraphs (1) through (5) of this section in the DAR.

(1) Name of person completing the report and facility address,

(2) Identification and location of your COMS(s),

(3) Manufacturer, model, and serial number of your COMS(s),

(4) Assessment of COMS data accuracy/acceptability and date of assessment as determined by a performance audit described in section 10.0. If the accuracy audit results show your COMS to be out-of-control, you must report both the audit results showing your COMS to be out-of-control and the results of the audit following corrective action showing your COMS to be operating within specifications, and

(5) Summary of all corrective actions you took when you determined your COMS was out-of-control.

10.11 *Where and how long must I retain the QA data that this procedure requires me to record for my COMS*? You must keep the records required by this procedure for your COMS on site and available for inspection by us, the state, and/or the local enforcement agency for the period specified in the regulations requiring the use of COMS.

11.0 What analytical procedures apply to this procedure? [Reserved]

12.0 What calculations and data analysis must I perform for my COMS? The calculations required for the quarterly performance audit are in section 12.0 of PS–1.

13.0 Method Performance [Reserved]

14.0 Pollution Prevention [Reserved]

15.0 Waste Management [Reserved]

16.0 References

16.1 Performance Specification 1-Specifications and Test Procedures for Continuous Opacity Monitoring Systems in Stationary Sources, 40 CFR part 60, Appendix B.

16.2 ASTM D6216–12-Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance

Specifications, American Society for Testing and Materials (ASTM).

17.0 What tables, diagrams, flowcharts, and validation data are relevant to this procedure? [Reserved]

[FR Doc. 2014–11226 Filed 5–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0863; FRL–9909–17]

Amine Salts of Alkyl (C_8-C_{24}) Benzenesulfonic Acid (Dimethylaminopropylamine, Isopropylamine, Mono-, Di-, and Triethanolamine); Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends two exemptions from the requirement of a tolerance for residues of diethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid (not to exceed 7% of pesticidal formulations) and two exemptions from the requirement of a tolerance for residues of dimethylaminopropylamine, isopropylamine, ethanolamine, and triethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid (without limitation), herein referred to collectively as amine salts of alkyl (C_8-C_{24}) benzenesulfonic acid (dimethylaminopropylamine, isopropylamine, mono-, di-, and triethanolamine), or ASABSA, when used as inert ingredients applied to growing crops and to animals. The Joint Inerts Task Force Cluster Support Team 8 (JITF CST 8) c/o Huntsman Corp., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting amendment of two existing exemptions from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of ASABSA.

DATES: This regulation is effective May 16, 2014. Objections and requests for hearings must be received on or before July 15, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0863, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0863 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before July 15, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0863, by one of the following methods:

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

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

II. Petition for Exemption

In the **Federal Register** of August 5, 2009 (74 FR 38924) (FRL–8430–2), EPA issued a final rule announcing the establishment of a tolerance exemption pursuant to a pesticide petition (PP 8E7472) by the Joint Inerts Task Force Cluster Support Team 8 (JITF CST 8) c/o CropLife America, 1156 15th St. NW., Suite 400, Washington, DC 20005. The petition requested that 40 CFR 180.920 and 180.930 be amended by establishing exemptions from the requirement of a tolerance for residues of diethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid and dimethylaminopropylamine, isopropylamine, ethanolamine, and triethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid when used as inert ingredients (surfactants) in pesticide formulations applied to growing crops and animals. The current petition seeks to expand the exemptions for ASABSA

by adding additional chemicals identified by Chemical Abstract Service Registry Numbers (CAS Reg. Nos.).

In the **Federal Register** of June 5, 2013 (78 FR 33785) (FRL–9386–2), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP 2E8087) by the Joint Inerts Task Force, Cluster Support Team 8, (JITF CST 8), c/o Huntsman Corp., 8600 Gosling Rd., The Woodlands, TX 77381. The petition requested that 40 CFR 180.920 and 180.930 be amended by modifying two exemptions from the requirement of a tolerance for residues of diethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid (not to exceed 7% of pesticide formulation) to include CAS Reg. Nos. 67815–95–6, 67889–94–5, 67889–95–6, 68259–34–7, 68478–47–7, 68567–68–0, 68815–34–9, 68815–37–2, 68891–02–1, 84989–15–1, 85338–09–6, 90194–39–1, 90194–40–4, and 90218–08–9 and two exemptions from the requirement of a tolerance for residues of dimethylaminopropylamine, isopropylamine, ethanolamine, and triethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid (without limitation) to include CAS Reg. Nos. 3088–30–0, 12068–12–1, 26836–07–7, 58089–99–9, 61886–59–7, 61931–76–8, 67924–05–4, 68110–32–7, 68259–35–8, 68442–72–8, 68567–69–1, 68815–30–5, 68815–35–0, 68953–98–0, 70528–84–6, 72391–21–0, 84961–74–0, 85480–55–3, 85480–56–4, 85995–82–0, 90194–54–0, 90194–55–1, 90218–09–0, 90218–11–4, 96687–54–6, 99924–49–9, 121617–08–1, and 193562–36–6. That document referenced a summary of the petition prepared by JITF CST 8, the petitioner, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

In this petition, the JITF CST 8 claims that the requested chemical CAS Reg. Nos. listed in Unit II. should be covered by the published tolerance exemptions for ASABSA and that no further data or review is required to amend the existing tolerance exemption to include the additional CAS Reg. Nos.

Based upon review of the data supporting the petition, EPA has confirmed that the requested CAS Reg. Nos. are appropriately added to the currently approved respective descriptors for ASABSA.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

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

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for ASABSA including exposure resulting from the exemption amended by this action. EPA's assessment of exposures and risks associated with ASABSA follows.

The Agency agrees with the petitioner that CAS Reg. Nos. 67815–95–6, 67889–94–5, 67889–95–6, 68259–34–7, 68478–47–7, 68567–68–0, 68815–34–9, 68815–37–2, 68891–02–1, 84989–15–1, 85338–09–6, 90194–39–1, 90194–40–4, and 90218–08–9 are diethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid similar to those present in the existing exemption.

The Agency agrees with the petitioner that CAS Reg. Nos. 3088–30–0, 12068–12–1, 26836–07–7, 58089–99–9, 61886–59–7, 61931–76–8, 67924–05–4, 68110–32–7, 68259–35–8, 68442–72–8, 68567–69–1, 68815–30–5, 68815–35–0, 68953–98–0, 70528–84–6, 72391–21–0, 84961–74–0, 85480–55–3, 85480–56–4, 85995–82–0, 90194–54–0, 90194–55–1, 90218–09–0, 90218–11–4, 96687–54–6, 99924–49–9, 121617–08–1, and 193562–36–6 are dimethylaminopropylamine, isopropylamine, ethanolamine, and triethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid similar to those present in the existing exemption.

In 2009, in establishing the exemptions for ASABSA, EPA assessed the safety generally using worst case exposure assumptions (74 FR 38924) (FRL–8430–2). Based upon the review of the data supporting this petition, EPA has confirmed that the requested CAS Reg. Nos. are appropriately added to the currently approved descriptors. The requested CAS Reg. Nos. consist of compounds that are amine salts of alkyl (C_8-C_{24}) benzenesulfonic acid (dimethylaminopropylamine, isopropylamine, mono-, di-, and triethanolamine). As such, the requested CAS Reg. Nos. fall within the existing tolerance exemption descriptors for diethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid and dimethylaminopropylamine, isopropylamine, ethanolamine, and triethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid given in 40 CFR 180.920 and 180.930.

The Agency has determined that the proposed addition of the requested CAS Reg. Nos. is adequately supported by the existing data and assessment and that

no additional data or review is required. Inclusion of the additional chemicals described in Unit IV. in the risk assessments for the ASABSA would in no way alter the prior risk assessments given the generic findings on toxicity and the worst case exposure assumptions used in those risk assessments. Accordingly, based on the findings in that earlier rule, EPA has determined that there is a reasonable certainty that no harm to any population subgroup, including infants and children, will result from aggregate exposure to ASABSA by including the additional chemicals described in Unit IV., under reasonably foreseeable circumstances. Therefore, the amendment to an existing requirement of a tolerance under 40 CFR 180.920, and 180.930 for residues of ASABSA to include the chemicals described in Unit IV. is safe under FFDCA section 408.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical level of residues of diethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid that cannot be exceeded in or on any food commodities. EPA is establishing a limitation on the amount of the diethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid that may be used in pesticide formulations. That limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* EPA will not register any pesticide for sale or distribution that contains greater than 7% of the diethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid by weight in the pesticide formulation.

VI. Conclusions

Therefore, the exemptions from the requirement of a tolerance under 40 CFR 180.920 and 180.930 for diethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid (not to exceed 7% of pesticide formulations) and dimethylaminopropylamine, isopropylamine, ethanolamine, and triethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid are amended to include the requested CAS Reg. Nos. when used as inert ingredients (surfactants) in pesticide formulations applied to growing crops and to animals.

VII. Statutory and Executive Order Reviews

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

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

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

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

VIII. 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: May 7, 2014.

G. Jeffrey Herndon,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.920, revise the following inert ingredients in the table to read as follows:

§ 180.920 Inert ingredients used pre-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * *	*	* * *
Diethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid (CAS Reg. Nos. 26545–53–9, 67815–95–6, 67889–94–5, 67889–95–6, 68259–34–7, 68478–47–7, 68567–68–0, 68815–34–9, 68815–37–2, 68891–02–1, 68953–97–9, 84989–15–1, 85338–09–6, 90194–39–1, 90194–40–4, 90218–08–9).	Not to exceed 7% of pesticide formulation.	Surfactants, related adjuvants of surfactants.
* * *	*	* * *
Dimethylaminopropylamine, isopropylamine, ethanolamine, and triethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid (CAS Reg. Nos. 3088–30–0, 12068–12–1, 26264–05–1, 26836–07–7, 27323–41–7, 55470–69–4, 58089–99–9, 61886–59–7, 61931–76–8, 67924–05–4, 68110–32–7, 68259–35–8, 68411–31–4, 68442–72–8, 68567–69–1, 68584–24–7, 68584–25–8, 68648–81–7, 68648–96–4, 68649–00–3, 68815–30–5, 68815–35–0, 68910–32–7, 68953–93–5, 68953–98–0, 70528–84–6, 72391–21–0, 84961–74–0, 85480–55–3, 85480–56–4, 85995–82–0, 90194–42–6, 90194–53–9, 90194–54–0, 90194–55–1, 90218–09–0, 90218–11–4, 90218–35–2, 96687–54–6, 99924–49–9, 121617–08–1, 157966–96–6, 193562–36–6, 319926–68–6, 877677–48–0, 1093628–27–3).	.....	Surfactants, related adjuvants of surfactants.
* * *	*	* * *

■ 3. In § 180.930, revise the following inert ingredients in the table to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * *	*	* * *
Diethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid (CAS Reg. Nos. 26545–53–9, 67815–95–6, 67889–94–5, 67889–95–6, 68259–34–7, 68478–47–7, 68567–68–0, 68815–34–9, 68815–37–2, 68891–02–1, 68953–97–9, 84989–15–1, 85338–09–6, 90194–39–1, 90194–40–4, 90218–08–9).	Not to exceed 7% of pesticide formulation.	Surfactants, related adjuvants of surfactants.
* * *	*	* * *
Dimethylaminopropylamine, isopropylamine, ethanolamine, and triethanolamine salts of alkyl (C_8-C_{24}) benzenesulfonic acid (CAS Reg. Nos. 3088–30–0, 12068–12–1, 26264–05–1, 26836–07–7, 27323–41–7, 55470–69–4, 58089–99–9, 61886–59–7, 61931–76–8, 67924–05–4, 68110–32–7, 68259–35–8, 68411–31–4, 68442–72–8, 68567–69–1, 68584–24–7, 68584–25–8, 68648–81–7, 68648–96–4, 68649–00–3, 68815–30–5, 68815–35–0, 68910–32–7 68953–93–5, 68953–98–0, 70528–84–6, 72391–21–0, 84961–74–0, 85480–55–3, 85480–56–4, 85995–82–0, 90194–42–6, 90194–53–9, 90194–54–0, 90194–55–1, 90218–09–0, 90218–11–4, 90218–35–2, 96687–54–6, 99924–49–9, 121617–08–1, 157966–96–6, 193562–36–6, 319926–68–6, 877677–48–0, 1093628–27–3)..	.....	Surfactants, related adjuvants of surfactants.
* * *	*	* * *

[FR Doc. 2014–11204 Filed 5–15–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 13–102; RM–11696; DA 14–603]

Radio Broadcasting Services; Moran, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Katherine Pyeatt, allots FM Channel 281A as a first local transmission service at Moran, Texas. Channel 281A can be allotted at Moran, consistent with the minimum distance separation requirements of the Commission's rules, at coordinates 32–25–00 NL and 99–08–00 WL.

DATES: Effective June 16, 2014.

FOR FURTHER INFORMATION CONTACT: Deborah Dupont, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 13–102, adopted April 30, 2014, and released May 2, 2014. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, (800) 378–3160, or via the company's Web site, *www.bcpiweb.com.* This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506 (c)(4). The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Chief, Audio Division, Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336 and 339.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Moran, Channel 281A.

[FR Doc. 2014–11260 Filed 5–15–14; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 552

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

RIN 3090–AJ36

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

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

ACTION: Final rule; correction.

SUMMARY: The General Services Administration (GSA) is issuing a correction to GSAR Change 57; GSAR Case 2012–G503; Industrial Funding Fee (IFF) and Sales Reporting, which was published in the **Federal Register** at 79 FR 21400, April 16, 2014.

DATES: *Effective:* May 16, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Dana Munson, General Services Acquisition Policy Division, at 202–357–9652, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, 202–501–4755. Please cite GSAR Case 2012–G503; Correction.

SUPPLEMENTARY INFORMATION: GSA published a document in the **Federal Register** at 79 FR 21400, April 16, 2014, and inadvertently section 552.238–74 contained a typographical error.

Correction

In the rule FR Doc. 2014–08659 published in the **Federal Register** at 79 FR 21400, April 16, 2014, make the following correction:

On page 21402, in the first column, section 552.238–74, instruction 2. b., remove ''within'' and add ''FSS within'' in its place.

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

Dated: May 13, 2014.

Jeffrey A. Koses,

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

[FR Doc. 2014–11402 Filed 5–15–14; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 130722647–4403–02]

RIN 0648–BD55

International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean

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

ACTION: Final rule.

SUMMARY: NMFS is issuing regulations under the Tuna Conventions Act to implement Resolution C–13–02 of the Inter-American Tropical Tuna Commission (IATTC or the Commission) by specifying limits on U.S. commercial catch of Pacific bluefin tuna from the eastern Pacific Ocean (EPO) waters of the IATTC Convention Area in 2014. This action is necessary for the United States to satisfy its obligations as a member of the IATTC to conserve Pacific Bluefin tuna, which is an overfished stock.

DATES: The rule is effective June 16, 2014.

ADDRESSES: Copies of supporting documents that were prepared for this final rule, including the Regulatory Impact Review (RIR), environmental assessment (EA), final regulatory flexibility analysis (FRFA), and the proposed rule, are available via the Federal eRulemaking Portal: *http://www.regulations.gov*, docket NOAA–NMFS–2013–0119. These documents, and the small entity compliance guide prepared for this final rule, are also available from the Regional Administrator, NMFS, West Coast Regional Office, 7600 Sand Point Way

NE., Bldg 1, Seattle, WA 98115–0070. A summary of the initial regulatory flexibility analysis (IRFA) is included in the proposed rule, and a summary of the FRFA is included in this final rule.

FOR FURTHER INFORMATION CONTACT: Amber Rhodes, NMFS, 562–980–3231, or Heidi Taylor, NMFS, 562–980–4039.

SUPPLEMENTARY INFORMATION:

Background

On January 10, 2014, NMFS published a proposed rule in the **Federal Register** (79 FR 1810) that would add regulations at 50 CFR part 300, subpart C, to implement Resolution C–13–02, ''Measures for the Conservation and Management of Bluefin Tuna in the Eastern Pacific Ocean,'' which was adopted by the IATTC at its 85th Meeting, in June 2013. The proposed rule was open to public comment through February 10, 2014. The comments received are addressed in this rule.

The final rule is implemented under the authority of the Tuna Conventions Act (16 U.S.C. 951–962 and 971 et seq.), which directs the Secretary of Commerce, after approval by the Secretary of State, to promulgate such regulations as may be necessary to implement resolutions adopted by the IATTC. The Secretary's authority to promulgate such regulations as may be necessary to carry out the obligations of the United States has been delegated to NMFS.

The proposed rule includes additional background information, including information on the IATTC, the international obligations of the United States as an IATTC Member, and the basis for the new regulations.

New Regulations

This final rule establishes 2014 limits on catch of Pacific bluefin tuna (*Thunnus orientalis*) in the IATTC Convention Area. Once Pacific bluefin tuna catch limits have been reached, NMFS will prohibit any further targeting, retaining on board, transshipping, or landing of Pacific bluefin tuna in the Convention Area, because these activities can be effectively verified for enforcement purposes. The following section includes a description of how the Pacific bluefin tuna catch limit provisions apply under three possible scenarios.

2014 Catch Limits for Pacific Bluefin Tuna

Once the Commission-wide commercial catch limit of 5,000 metric tons has been reached and the U.S. commercial fleet is expected to be reached or has exceeded the 500 metric tons catch limit, then targeting, retaining on board, transshipping, or landing of Pacific bluefin tuna by all U.S. commercial vessels in the IATTC Convention Area shall be prohibited for the remainder of 2014. If the U.S. commercial fishing fleet has not caught 500 metric tons of Pacific bluefin tuna in the Convention Area in 2014 when the Commission-wide 5,000 metric tons catch limit is reached, then the U.S. commercial fleet may continue to target, retain, transship, or land Pacific bluefin tuna until the 500 metric ton limit is reached. The U.S. commercial fleet may continue to target, retain, transship, or land more than the 500 metric tons of Pacific bluefin tuna in 2014 unless and until the Commission-wide catch limit of 5,000 metric tons is reached.

Announcement of the Limits Being Reached

To ensure that the total catch of Pacific bluefin tuna taken from the IATTC Convention Area does not exceed the Commission-wide catch limit for 2014, NMFS will report U.S. catch to the IATTC Director on a monthly basis. The IATTC Director will inform the IATTC Members and Cooperating non-members (collectively, CPCs) when 50 percent of the Commission-wide limit is reached. The Director will likewise send similar notices when 60, 70, and 80 percent of the Commission-wide limit is reached. When 90 percent of the Commission-wide limit is reached, the Director will send the corresponding notice to all CPCs, with a projection of when the 5,000 metric ton Commission-wide limit will be reached, at which time CPCs are expected to take the necessary internal measures to avoid exceeding the limit. NMFS will provide updates on Commission-wide and U.S. catches to the public via the IATTC and coastal pelagic species email distribution lists and the West Coast Region Web site: *http://www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/bluefin_tuna_harvest_status.html.* Additionally, NMFS will report preliminarily estimated Pacific bluefin tuna catch between monthly intervals (if and when catches approach the limits) to help participants in the U.S. commercial fishery plan for the possibility of the catch limit being reached.

When NMFS is informed that the 5,000 metric ton Commission-wide limit has been met (based on information provided by the IATTC Director) and that the 500 metric ton catch limit is expected to be reached (based on landings receipts, data submitted in logbooks, and other available fishery information), NMFS will publish a notice in the **Federal Register** announcing that the targeting, retaining, transshipping or landing of Pacific bluefin tuna will be prohibited on a specified effective date through December 31, 2014. Upon that effective date, a commercial fishing vessel of the United States may not be used to target, retain on board, transship, or land any additional PBF in the Convention Area during the period specified in the announcement. Any PBF already on board a fishing vessel on the effective date may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided that they are landed within 14 days after the effective date.

Public Comments and Responses

NMFS received eight written public comments. The Department of the Interior submitted comments on behalf of the National Park Service. One commenter expressed concern about matters beyond the scope of this action. Seven commenters expressed concern for the status of the resource. None of the seven commenters opposed placing restrictions on the U.S. catch of Pacific bluefin tuna; however, six of them suggested further restricting the U.S. catch of Pacific bluefin tuna. Summaries of the comments received and NMFS' responses appear below.

Comment 1: The proposed rule is not consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) because it does not prevent overfishing by addressing the relative impacts of the U.S. fleet.

Response: NMFS is promulgating this rule in accordance with IATTC Resolution C–13–02 and under the authority of the Tuna Conventions Act. This action is not subject to the Magnuson-Stevens Act. However, NMFS informed the Pacific Fishery Management Council and the Western Pacific Fishery Management Council of the stock status determination and obligations under section 304(i) of the Magnuson-Stevens Act to develop and submit recommendations to NMFS and/or the Secretary of State for domestic and international actions that will end overfishing in the fishery and rebuild the affected stock taking into account the relative impact of U.S. vessels and that of foreign vessels on the stock.

Comment 2: The proposed rule indicates that NMFS only analyzed two alternatives. More alternatives, including a suspension of bluefin fishing, should have been analyzed.

Response: The preamble of the proposed rule included a discussion of only two alternatives as part of the IRFA summary: the proposed rule and no action. The purpose of the IRFA is to determine whether the action would have a significant economic impact on a substantial number of small entities. No other significant alternatives accomplished the stated objectives of the applicable statutes and minimized the economic impact of the proposed rule on affected small entities. In addition to the IRFA, NMFS prepared a draft EA and made it available for public comment with the proposed rule. The draft EA included several alternatives to the proposed action, including suspension of directed fishing for Pacific bluefin tuna in the eastern Pacific Ocean, and considered the potential effects of each alternative on the human environment (i.e., natural, social, and economic environment). The final EA is publicly available as a supporting document to this rule.

Comment 3: Catch data should be up-to-date. NMFS should not be reporting catch data that is more than 1 year old as ''preliminary.''

Response: NMFS decided not to cite the U.S. catch of Pacific bluefin tuna in 2013 in the proposed rule because, at that time, the 2013 fishing season for Pacific bluefin tuna had not yet ended. U.S. catch reported in this final rule has been updated with ''preliminary'' data for U.S. commercial catch of Pacific bluefin tuna in 2013. ''Preliminary'' data is subject to change. NMFS adheres to strict guidelines for publishing fishery data in the interest of ensuring data quality and protecting confidential data. Due to changes in data reporting mechanisms, there has been a delay in the availability of the published data sets typically made available annually in the Pacific Fishery Management Council's Highly Migratory Species Stock Assessment and Fishery Evaluation (SAFE) documents. In the meantime, and when publishing supporting information in rules, NMFS has been publishing data as ''preliminary'' only after it has been determined not to be confidential.

Comment 4: There are unacceptable levels of Pacific bluefin tuna mortality by overseas fleets and recreational fisheries. A Pacific-wide catch limit is needed and the 500 metric ton limit should include recreational catch. Additionally, the U.S. National Park Service (NPS) recommends that NMFS include national park unit boundaries in Pacific bluefin tuna regulations with consideration for additional monitoring of effort and catch, recreational catch-and-release, and a moratorium on harvest of Pacific bluefin tuna until individual national park units request a harvest allocation.

Response: NMFS notes these recommendations going forward. However, they are beyond the scope of the IATTC resolution that this rule implements. NMFS acknowledges that the average annual Pacific bluefin tuna landings by U.S. commercial vessels fishing in the EPO represent roughly two percent of the average annual landings from all fleets commercially fishing in the EPO for years 2007 through 2011 (refer to Section 1.4 of the Environmental Assessment). This contribution to Pacific bluefin mortality by the U.S. commercial fishing fleet is even smaller when considering the levels of catch by all fisheries, Pacific-wide. While the United States is a member of both the IATTC and the Western and Central Pacific Fisheries Commission (WCPFC), a Pacific-wide catch limit would require complimentary action by the WCPFC. Suggestions for purely domestic fishery management actions—such as rules on Pacific bluefin fishing within U.S. national parks—would be better suited to the decision-making process of the appropriate fishery management councils and implementation under the authority of the Magnuson-Stevens Act.

Changes From the Proposed Rule

No substantive changes have been made to this rule since the proposed rule stage. Minor edits were made to the regulatory text to improve clarity. The authority citations for 50 CFR part 300 and subpart C are revised to identify more precisely the statutory citation for the Tuna Conventions Act as 16 U.S.C. 951 *et seq.*

Classification

The NMFS Assistant Administrator has determined that this final rule is necessary for the conservation and management of Pacific bluefin tuna, and that it is consistent with the Tuna Conventions Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

There are no new collection-of-information requirements associated with this action that are subject to the Paperwork Reduction Act, existing collection-of-information requirements associated with the U.S. West Coast Highly Migratory Species Fishery Management Plan still apply. These requirements have been approved by the Office of Management and Budget under Control Number 0648–0204.

A final regulatory flexibility analysis (FRFA) was prepared. A copy of this analysis is available from the NMFS (see **ADDRESSES**). The FRFA incorporates the IRFA, and a summary of the analyses completed to support the action is included directly below.

The main objective of this rule is to establish catch limits to contribute to the conservation of the Pacific bluefin tuna stock. This rule applies to owners and operators of U.S. commercial fishing vessels that catch Pacific bluefin tuna in the IATTC Convention Area. Each vessel that is expected to be affected is considered a small business according to the Small Business Administration's revised size standards (78 FR 37398, July 20, 2013). Pacific bluefin tuna do not serve as the primary target species for any U.S. commercial vessels, but rather are incidentally or opportunistically caught by U.S. commercial vessels fishing in the EPO. Therefore, the action is not expected to have a significant or disproportional economic impact on these small business entities.

After NMFS determines that the limits are expected to be reached, NMFS will publish a notice in the **Federal Register** announcing that restrictions will be effective from the dates specified through the end of the calendar year. NMFS will take reasonable actions to inform vessel owners in advance of publishing, in a **Federal Register** announcement, the effective date for the restrictions on targeting, retaining, transshipping, or landing Pacific bluefin tuna captured in the IATTC Convention Area. In the event that the limit on Pacific bluefin tuna catch is reached in 2014, it will be the responsibility of the commercial vessel owner to ensure that no further targeting of Pacific bluefin tuna occurs, and that no additional Pacific bluefin tuna are retained on board, transshipped, or landed after the specified dates published in the **Federal Register** notice announcing that the annual limit is expected to be reached.

While this rule does not mandate any new ''reporting'' or ''recordkeeping'' requirements for the public, some compliance costs may be associated with these regulations if the restrictions on targeting, retaining, transshipping, or landing Pacific bluefin tuna in the IATTC Convention Area becomes effective in 2014 as a result of the commercial catch limits being reached. The Pacific bluefin tuna commercial catch limits are not expected to result in the cessation of fishing by U.S. commercial vessels for Pacific bluefin tuna in the Convention Area since the annual U.S. catches of Pacific bluefin tuna have not reached 500 metric tons

in more than a decade. In the event of a closure under this rule, the cost of compliance would be *de minimis.* Compliance costs could consist of returning incidentally caught bluefin tuna to the ocean, forgoing associated profits, and potentially losing fishing opportunity if Pacific bluefin tuna are available to the U.S. fleet during a time when fishing for them has been prohibited.

The U.S. catch of Pacific bluefin tuna in the EPO represents a relatively minor component of the overall catch of Pacific bluefin tuna from the EPO. The average annual U.S. catch of Pacific bluefin tuna was 106 metric tons for 1999 through 2013. Pacific bluefin tuna is commercially caught by U.S. vessels fishing in the EPO on an irregular basis. Most of the landings are made by small coastal purse seine vessels operating in the Southern California Bight with limited additional landings made by the drift gillnet fleet that targets swordfish and thresher shark. Lesser amounts of Pacific bluefin tuna are caught by surface hook and line and longline gear (typically less than .05 metric tons per year for these gear types combined). The number of purse seine vessels that have landed tuna in California averaged 197 annually from 1981 through 1990. However, from 2000 to 2013, no more than six small purse seiners have been registered with the IATTC to target Pacific bluefin tuna in the Convention Area each year. The landings data suggests that they opportunistically targeted Pacific bluefin tuna in alternate years since 2001.

For the purposes of the Regulatory Flexibility Act analysis, NMFS compared the effects of the Pacific bluefin tuna restrictions imposed by this rule to a no action alternative. No additional alternatives exist that accomplish the stated objectives of applicable statutes and that minimize the rule's economic impact on the affected small entities. Under the no action alternative, there would be no limit on U.S. commercial catches of Pacific bluefin tuna in the IATTC Convention Area. It is unlikely that any short-term economic benefit to U.S. commercial fisheries would be gained from not implementing Resolution C–13–02 because recent trends in Pacific bluefin tuna catch data indicate that it is unlikely that the U.S. catch limit will be reached. However, failing to adopt this rule would result in the United States not satisfying its international obligations as a member of the IATTC. Furthermore, implementing Resolution C–13–02 conserves Pacific bluefin tuna by limiting catches, thereby increasing the chances that small entities will have continued opportunities to harvest this currently overfished stock in the EPO.

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 small entity compliance guide (the guide) was prepared. Copies of this final rule are available from the West Coast Regional Office, and the guide will be sent to vessels that catch Pacific bluefin tuna in the IATTC Convention Area via the IATTC and coastal pelagic species email distributions lists. The guide and this final rule will be available upon request and on the West Coast Region Web site: *http://www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/bluefin_tuna_harvest_status.html.*

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Antarctica, Canada, Exports, Fish, Fisheries, Fishing, Imports, Indians, Labeling, Marine resources, Reporting and recordkeeping requirements, Russian Federation, Transportation, Treaties, Wildlife.

Dated: May 9, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 300 is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

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

Authority: 16 U.S.C. 951 *et seq.,* 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 5501 *et seq.,* 16 U.S.C. 2431 *et seq.,* 31 U.S.C. 9701 *et seq.*

Subpart C—Eastern Pacific Tuna Fisheries

■ 2. The authority citation for 50 CFR part 300, subpart C, is revised to read as follows:

Authority: 16 U.S.C. 951 *et seq.*

■ 3. In § 300.24, paragraph (u) is added to read as follows:

§ 300.24 Prohibitions.

* * * * *

(u) Use a United States commercial fishing vessel in the IATTC Convention Area in contravention of § 300.25(h)(4).

■ 4. In § 300.25, paragraph (h) is added to read as follows:

§ 300.25 Eastern Pacific fisheries management.

* * * * *

(h) *Pacific bluefin tuna commercial catch limits in the eastern Pacific Ocean.* (1) For the calendar year 2014, all commercial fishing vessels of IATTC member countries and cooperating non-member countries collectively are subject to a limit of 5,000 metric tons of Pacific bluefin tuna that may be captured, retained, and landed in the Convention Area.

(2) Notwithstanding the collective 5,000 metric ton limit, in calendar year 2014 commercial vessels of the United States may capture, retain, transship, or land 500 metric tons of Pacific bluefin tuna.

(3) After NMFS determines that the limits under paragraphs (h)(1) and (2) of this section are expected to be reached by a future date, and at least 7 calendar days in advance of that date, NMFS will publish a notice of closure in the **Federal Register** announcing the effective date that additional targeting, retaining on board, transshipping or landing Pacific bluefin tuna in the Convention Area shall be prohibited as described in paragraph (h)(4) of this section.

(4) Beginning on the date announced in the notice of closure published under paragraph (h)(3) of this section through the end of the calendar year, a commercial fishing vessel of the United States may not be used to target, retain on board, transship, or land any additional Pacific bluefin tuna captured in the Convention Area. Any Pacific bluefin tuna already on board a fishing vessel on the effective date of the notice may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided such tuna is landed within 14 days after the effective date published in the notice of closure.

[FR Doc. 2014–11257 Filed 5–15–14; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 130722647–4403–02]

RIN 0648–BD55

International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean

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

ACTION: Final rule.

SUMMARY: NMFS is issuing regulations under the Tuna Conventions Act to implement Resolution C–13–02 of the Inter-American Tropical Tuna Commission (IATTC or the Commission) by specifying limits on U.S. commercial catch of Pacific bluefin tuna from the eastern Pacific Ocean (EPO) waters of the IATTC Convention Area in 2014. This action is necessary for the United States to satisfy its obligations as a member of the IATTC to conserve Pacific Bluefin tuna, which is an overfished stock.

DATES: The rule is effective June 16, 2014.

ADDRESSES: Copies of supporting documents that were prepared for this final rule, including the Regulatory Impact Review (RIR), environmental assessment (EA), final regulatory flexibility analysis (FRFA), and the proposed rule, are available via the Federal eRulemaking Portal: *http://www.regulations.gov,* docket NOAA–NMFS–2013–0119. These documents, and the small entity compliance guide prepared for this final rule, are also available from the Regional Administrator, NMFS, West Coast Regional Office, 7600 Sand Point Way NE., Bldg 1, Seattle, WA 98115–0070. A summary of the initial regulatory flexibility analysis (IRFA) is included in the proposed rule, and a summary of the FRFA is included in this final rule.

FOR FURTHER INFORMATION CONTACT: Amber Rhodes, NMFS, 562–980–3231, or Heidi Taylor, NMFS, 562–980–4039.

SUPPLEMENTARY INFORMATION:

Background

On January 10, 2014, NMFS published a proposed rule in the **Federal Register** (79 FR 1810) that would add regulations at 50 CFR 300, subpart C, to implement Resolution C–13–02, ''Measures for the Conservation and Management of Bluefin Tuna in the Eastern Pacific Ocean,'' which was adopted by the IATTC at its 85th Meeting, in June 2013. The proposed rule was open to public comment through February 10, 2014. The comments received are addressed in this rule.

The final rule is implemented under the authority of the Tuna Conventions Act (16 U.S.C. 951–962 and 971 et seq.), which directs the Secretary of Commerce, after approval by the Secretary of State, to promulgate such regulations as may be necessary to implement resolutions adopted by the IATTC. The Secretary's authority to promulgate such regulations as may be necessary to carry out the obligations of the United States has been delegated to NMFS.

The proposed rule includes additional background information, including information on the IATTC, the international obligations of the United States as an IATTC Member, and the basis for the new regulations.

New Regulations

This final rule establishes 2014 limits on catch of Pacific bluefin tuna (*Thunnus orientalis*) in the IATTC Convention Area. Once Pacific bluefin tuna catch limits have been reached, NMFS will prohibit any further targeting, retaining on board, transshipping, or landing of Pacific bluefin tuna in the Convention Area, because these activities can be effectively verified for enforcement purposes. The following section includes a description of how the Pacific bluefin tuna catch limit provisions apply under three possible scenarios.

2014 Catch Limits for Pacific Bluefin Tuna

Once the Commission-wide commercial catch limit of 5,000 metric tons has been reached and the U.S. commercial fleet is expected to be reached or has exceeded the 500 metric tons catch limit, then targeting, retaining on board, transshipping, or landing of Pacific bluefin tuna by all U.S. commercial vessels in the IATTC Convention Area shall be prohibited for the remainder of 2014. If the U.S. commercial fishing fleet has not caught 500 metric tons of Pacific bluefin tuna in the Convention Area in 2014 when the Commission-wide 5,000 metric tons catch limit is reached, then the U.S. commercial fleet may continue to target, retain, transship, or land Pacific bluefin tuna until the 500 metric ton limit is reached. The U.S. commercial fleet may continue to target, retain, transship, or land more than the 500 metric tons of Pacific bluefin tuna in 2014 unless and until the Commission-wide catch limit of 5,000 metric tons is reached.

Announcement of the Limits Being Reached

To ensure that the total catch of Pacific bluefin tuna taken from the IATTC Convention Area does not exceed the Commission-wide catch limit for 2014, NMFS will report U.S. catch to the IATTC Director on a monthly basis. The IATTC Director will inform the IATTC Members and Cooperating non-members (collectively, CPCs) when 50 percent of the Commission-wide limit is reached. The Director will likewise send similar notices when 60, 70, and 80 percent of the Commission-wide limit is reached. When 90 percent of the Commission-wide limit is reached, the Director will send the corresponding notice to all CPCs, with a projection of when the 5,000 metric ton Commission-wide limit will be reached, at which time CPCs are expected to take the necessary internal measures to avoid exceeding the limit. NMFS will provide updates on Commission-wide and U.S. catches to the public via the IATTC and coastal pelagic species email distribution lists and the West Coast Region Web site: *http://www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/bluefin_tuna_harvest_status.html.* Additionally, NMFS will report preliminarily estimated Pacific bluefin tuna catch between monthly intervals (if and when catches approach the limits) to help participants in the U.S. commercial fishery plan for the possibility of the catch limit being reached.

When NMFS is informed that the 5,000 metric ton Commission-wide limit has been met (based on information provided by the IATTC Director) and that the 500 metric ton catch limit is expected to be reached (based on landings receipts, data submitted in logbooks, and other available fishery information), NMFS will publish a notice in the **Federal Register** announcing that the targeting, retaining, transshipping or landing of Pacific bluefin tuna will be prohibited on a specified effective date through December 31, 2014. Upon that effective date, a commercial fishing vessel of the United States may not be used to target, retain on board, transship, or land any additional PBF in the Convention Area during the period specified in the announcement. Any PBF already on board a fishing vessel on the effective date may be retained on board,

transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided that they are landed within 14 days after the effective date.

Public Comments and Responses

NMFS received eight written public comments. The Department of the Interior submitted comments on behalf of the National Park Service. One commenter expressed concern about matters beyond the scope of this action. Seven commenters expressed concern for the status of the resource. None of the seven commenters opposed placing restrictions on the U.S. catch of Pacific bluefin tuna; however, six of them suggested further restricting the U.S. catch of Pacific bluefin tuna. Summaries of the comments received and NMFS' responses appear below.

Comment 1: The proposed rule is not consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) because it does not prevent overfishing by addressing the relative impacts of the U.S. fleet.

Response: NMFS is promulgating this rule in accordance with IATTC Resolution C–13–02 and under the authority of the Tuna Conventions Act. This action is not subject to the Magnuson-Stevens Act. However, NMFS informed the Pacific Fishery Management Council and the Western Pacific Fishery Management Council of the stock status determination and obligations under section 304(i) of the Magnuson-Stevens Act to develop and submit recommendations to NMFS and/or the Secretary of State for domestic and international actions that will end overfishing in the fishery and rebuild the affected stock taking into account the relative impact of U.S. vessels and that of foreign vessels on the stock.

Comment 2: The proposed rule indicates that NMFS only analyzed two alternatives. More alternatives, including a suspension of bluefin fishing, should have been analyzed.

Response: The preamble of the proposed rule included a discussion of only two alternatives as part of the IRFA summary: the proposed rule and no action. The purpose of the IFRA is to determine whether the action would have a significant economic impact on a substantial number of small entities. No other significant alternatives accomplished the stated objectives of the applicable statutes and minimized the economic impact of the proposed rule on affected small entities. In addition to the IRFA, NMFS prepared a draft EA and made it available for public comment with the proposed rule. The draft EA included several alternatives to the proposed action, including suspension of directed fishing for Pacific bluefin tuna in the eastern Pacific Ocean, and considered the potential effects of each alternative on the human environment (i.e., natural, social, and economic environment). The final EA is publicly available as a supporting document to this rule.

Comment 3: Catch data should be up-to-date. NMFS should not be reporting catch data that is more than 1 year old as ''preliminary.''

Response: NMFS decided not to cite the U.S. catch of Pacific bluefin tuna in 2013 in the proposed rule because, at that time, the 2013 fishing season for Pacific bluefin tuna had not yet ended. U.S. catch reported in this final rule has been updated with ''preliminary'' data for U.S. commercial catch of Pacific bluefin tuna in 2013. ''Preliminary'' data is subject to change. NMFS adheres to strict guidelines for publishing fishery data in the interest of ensuring data quality and protecting confidential data. Due to changes in data reporting mechanisms, there has been a delay in the availability of the published data sets typically made available annually in the Pacific Fishery Management Council's Highly Migratory Species Stock Assessment and Fishery Evaluation (SAFE) documents. In the meantime, and when publishing supporting information in rules, NMFS has been publishing data as ''preliminary'' only after it has been determined not to be confidential.

Comment 4: There are unacceptable levels of Pacific bluefin tuna mortality by overseas fleets and recreational fisheries. A Pacific-wide catch limit is needed and the 500 metric ton limit should include recreational catch. Additionally, the U.S. National Park Service (NPS) recommends that NMFS include national park unit boundaries in Pacific bluefin tuna regulations with consideration for additional monitoring of effort and catch, recreational catch-and-release, and a moratorium on harvest of Pacific bluefin tuna until individual national park units request a harvest allocation.

Response: NMFS notes these recommendations going forward. However, they are beyond the scope of the IATTC resolution that this rule implements. NMFS acknowledges that the average annual Pacific bluefin tuna landings by U.S. commercial vessels fishing in the EPO represent roughly two percent of the average annual landings from all fleets commercially fishing in the EPO for years 2007 through 2011 (refer to Section 1.4 of the Environmental Assessment). This contribution to Pacific bluefin mortality by the U.S. commercial fishing fleet is even smaller when considering the levels of catch by all fisheries, Pacific-wide. While the United States is a member of both the IATTC and the Western and Central Pacific Fisheries Commission (WCPFC), a Pacific-wide catch limit would require complimentary action by the WCPFC. Suggestions for purely domestic fishery management actions—such as rules on Pacific bluefin fishing within U.S. national parks—would be better suited to the decision-making process of the appropriate fishery management councils and implementation under the authority of the Magnuson-Stevens Act.

Changes From the Proposed Rule

No substantive changes have been made to this rule since the proposed rule stage. Minor edits were made to the regulatory text to improve clarity. The authority citations for 50 CFR part 300 and subpart C are revised to identify more precisely the statutory citation for the Tuna Conventions Act as 16 U.S.C. 951 *et seq.*

Classification

The NMFS Assistant Administrator has determined that this final rule is necessary for the conservation and management of Pacific bluefin tuna, and that it is consistent with the Tuna Conventions Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

There are no new collection-of-information requirements associated with this action that are subject to the Paperwork Reduction Act, existing collection-of-information requirements associated with the U.S. West Coast Highly Migratory Species Fishery Management Plan still apply. These requirements have been approved by the Office of Management and Budget under Control Number 0648–0204.

A final regulatory flexibility analysis (FRFA) was prepared. A copy of this analysis is available from the NMFS (see **ADDRESSES**). The FRFA incorporates the IRFA, and a summary of the analyses completed to support the action is included directly below.

The main objective of this rule is to establish catch limits to contribute to the conservation of the Pacific bluefin tuna stock. This rule applies to owners and operators of U.S. commercial fishing vessels that catch Pacific bluefin tuna in the IATTC Convention Area. Each vessel that is expected to be affected is considered a small business according to the Small Business

Administration's revised size standards (78 FR 37398, July 20, 2013). Pacific bluefin tuna do not serve as the primary target species for any U.S. commercial vessels, but rather are incidentally or opportunistically caught by U.S. commercial vessels fishing in the EPO. Therefore, the action is not expected to have a significant or disproportional economic impact on these small business entities.

After NMFS determines that the limits are expected to be reached, NMFS will publish a notice in the **Federal Register** announcing that restrictions will be effective from the dates specified through the end of the calendar year. NMFS will take reasonable actions to inform vessel owners in advance of publishing, in a **Federal Register** announcement, the effective date for the restrictions on targeting, retaining, transshipping, or landing Pacific bluefin tuna captured in the IATTC Convention Area. In the event that the limit on Pacific bluefin tuna catch is reached in 2014, it will be the responsibility of the commercial vessel owner to ensure that no further targeting of Pacific bluefin tuna occurs, and that no additional Pacific bluefin tuna are retained on board, transshipped, or landed after the specified dates published in the **Federal Register** notice announcing that the annual limit is expected to be reached.

While this rule does not mandate any new ''reporting'' or ''recordkeeping'' requirements for the public, some compliance costs may be associated with these regulations if the restrictions on targeting, retaining, transshipping, or landing Pacific bluefin tuna in the IATTC Convention Area becomes effective in 2014 as a result of the commercial catch limits being reached. The Pacific bluefin tuna commercial catch limits are not expected to result in the cessation of fishing by U.S. commercial vessels for Pacific bluefin tuna in the Convention Area since the annual U.S. catches of Pacific bluefin tuna have not reached 500 metric tons in more than a decade. In the event of a closure under this rule, the cost of compliance would be *de minimis*. Compliance costs could consist of returning incidentally caught bluefin tuna to the ocean, forgoing associated profits, and potentially losing fishing opportunity if Pacific bluefin tuna are available to the U.S. fleet during a time when fishing for them has been prohibited.

The U.S. catch of Pacific bluefin tuna in the EPO represents a relatively minor component of the overall catch of Pacific bluefin tuna from the EPO. The average annual U.S. catch of Pacific bluefin tuna was 106 metric tons for 1999 through 2013. Pacific bluefin tuna is commercially caught by U.S. vessels fishing in the EPO on an irregular basis. Most of the landings are made by small coastal purse seine vessels operating in the Southern California Bight with limited additional landings made by the drift gillnet fleet that targets swordfish and thresher shark. Lesser amounts of Pacific bluefin tuna are caught by surface hook and line and longline gear (typically less than .05 metric tons per year for these gear types combined). The number of purse seine vessels that have landed tuna in California averaged 197 annually from 1981 through 1990. However, from 2000 to 2013, no more than six small purse seiners have been registered with the IATTC to target Pacific bluefin tuna in the Convention Area each year. The landings data suggests that they opportunistically targeted Pacific bluefin tuna in alternate years since 2001.

For the purposes of the Regulatory Flexibility Act analysis, NMFS compared the effects of the Pacific bluefin tuna restrictions imposed by this rule to a no action alternative. No additional alternatives exist that accomplish the stated objectives of applicable statutes and that minimize the rule's economic impact on the affected small entities. Under the no action alternative, there would be no limit on U.S. commercial catches of Pacific bluefin tuna in the IATTC Convention Area. It is unlikely that any short-term economic benefit to U.S. commercial fisheries would be gained from not implementing Resolution C–13–02 because recent trends in Pacific bluefin tuna catch data indicate that it is unlikely that the U.S. catch limit will be reached. However, failing to adopt this rule would result in the United States not satisfying its international obligations as a member of the IATTC. Furthermore, implementing Resolution C–13–02 conserves Pacific bluefin tuna by limiting catches, thereby increasing the chances that small entities will have continued opportunities to harvest this currently overfished stock in the EPO.

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 small entity compliance guide (the guide) was prepared. Copies of this final rule are available from the West Coast Regional Office, and the guide will be sent to vessels that catch Pacific bluefin tuna in the IATTC Convention Area via the IATTC and coastal pelagic species email distributions lists. The guide and this final rule will be available upon request and on the West Coast Region Web site: *http://www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/bluefin_tuna_harvest_status.html.*

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Antarctica, Canada, Exports, Fish, Fisheries, Fishing, Imports, Indians, Labeling, Marine resources, Reporting and recordkeeping requirements, Russian Federation, Transportation, Treaties, Wildlife.

Dated: May 9, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 300 is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

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

Authority: 16 U.S.C. 951 *et seq.,* 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 5501 *et seq.,* 16 U.S.C. 2431 *et seq.,* 31 U.S.C. 9701 *et seq.*

■ 2. The authority citation for 50 CFR part 300, Subpart C, is revised to read as follows:

Authority: 16 U.S.C. 951 *et seq.*

■ 3. In § 300.24, paragraph (u) is added to read as follows:

§ 300.24 Prohibitions.

* * * * *

(u) Use a United States commercial fishing vessel in the IATTC Convention Area in contravention of § 300.25(h)(4)

■ 4. In § 300.25, paragraph (h) is added to read as follows:

§ 300.25 Eastern Pacific fisheries management.

* * * * *

(h) *Pacific bluefin tuna commercial catch limits in the eastern Pacific Ocean.*

(1) For the calendar year 2014, all commercial fishing vessels of IATTC member countries and cooperating non-member countries collectively are subject to a limit of 5,000 metric tons of Pacific bluefin tuna that may be captured, retained, and landed in the Convention Area.

(2) Notwithstanding the collective 5,000 metric ton limit, in calendar year 2014 commercial vessels of the United States may capture, retain, transship, or land 500 metric tons of Pacific bluefin tuna.

(3) After NMFS determines that the limits under paragraphs (h)(1) and (h)(2) of this section are expected to be reached by a future date, and at least 7 calendar days in advance of that date, NMFS will publish a notice of closure in the **Federal Register** announcing the effective date that additional targeting, retaining on board, transshipping or landing Pacific bluefin tuna in the Convention Area shall be prohibited as described in paragraph (h)(4) of this section.

(4) Beginning on the date announced in the notice of closure published under paragraph (h)(3) of this section through the end of the calendar year, a commercial fishing vessel of the United States may not be used to target, retain on board, transship, or land any additional Pacific bluefin tuna captured in the Convention Area. Any Pacific bluefin tuna already on board a fishing vessel on the effective date of the notice may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided such tuna is landed within 14 days after the effective date published in the notice of closure.

[FR Doc. 2014–11182 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 140418348–4406–01]

RIN 0648–BE14

Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; 2013–2014 Biennial Specifications and Management Measures; Correction

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

ACTION: Final rule; correcting amendment.

SUMMARY: This action corrects the Pacific coast groundfish harvest specifications and management measures regulations that published in the **Federal Register** on January 3, 2013. Specifically, this rule corrects the 2014 shorebased trawl allocations for several species of groundfish in the shorebased trawl allocation table that were inadvertently misreported. Quota share accounts will be updated to reflect this correction within two weeks from May 16, 2014.

DATES: This rule is effective May 16, 2014.

FOR FURTHER INFORMATION CONTACT: Miako Ushio, 206–526–4644; *Miako.Ushio@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Background

NMFS established the 2013–2014 harvest specifications and management measures for groundfish taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California through a final rule that published on January 3, 2013. (78 FR 580). This notice corrects the 2014 shorebased trawl allocations for several species of groundfish in the shorebased trawl allocation table that were inadvertently misreported in the January 3, 2013 final rule.

During the development of the shorebased trawl allocations, due to a spreadsheet error, some shorebased fishery allocations were multiplied by the initial issuance allocation percentages for non-whiting trips. Those non-whiting trip allocation percentages were designed only to be used for calculations related to the initial issuance of quota share. The initial issuance allocation percentages for non-whiting trips were not intended to be used for determining the annual shorebased trawl allocation for those species. As a result, for certain Individual Fishing Quota (IFQ) species, the shorebased trawl sector did not receive its full 2014 allocation.

Table 1 depicts the initial issuance allocation percentages between whiting and non-whiting trips NMFS used to weigh each calculation to determine initial quota share amounts that represented a combined whiting and non-whiting shorebased IFQ program.

TABLE 1—THE COUNCIL-PREFERRED SHORESIDE WHITING AND NON-WHITING TRAWL ALLOCATIONS FOR USE IN INITIAL ALLOCATION OF QUOTA SHARE. EXCERPT FROM THE *Final Environmental Impact Statement* (FEIS) FOR ALLOCATION OF HARVEST OPPORTUNITY BETWEEN SECTORS OF THE PACIFIC COAST GROUNDFISH FISHERY

Stocks and stock	Shoreside trawl sectors	
Complexes	Alternative 4:	
	Non-Whiting	Whiting
Lingcod—coastwide	99.7%	0.3%
Pacific Cod	99.9%	0.1%
Pacific Whiting—coastwide	0.1%	99.9%
Sablefish N. of 36°	98.2%	1.8%
Sablefish S. of 36°	100.0%	0.0%
PACIFIC OCEAN PERCH	Remaining	17% or 30 mt, whichever is greater, to
WIDOW	Remaining	If under rebuilding, 52% to SS +
Chilipepper S. of 40°10′	100.0%	0.0%
Splitnose S. of 40°10′	100.0%	0.0%
Yellowtail N. of 40°10′	Remaining	300 mt
Shortspine N. of 34°27′	99.9%	0.1%
Shortspine S. of 34°27′	100.0%	0.0%
Longspine N. of 34°27′	100.0%	0.0%
Longspine S. of 34°27′	100.0%	0.0%
DARKBLOTCHED	Remaining	9% or 25 mt, whichever is greater, to
Minor Slope RF North	98.6%	1.4%
Dover Sole	100.0%	0.0%
English Sole	99.9%	0.1%
Petrale Sole—coastwide	100.0%	0.0%

TABLE 1—THE COUNCIL-PREFERRED SHORESIDE WHITING AND NON-WHITING TRAWL ALLOCATIONS FOR USE IN INITIAL ALLOCATION OF QUOTA SHARE. EXCERPT FROM THE *Final Environmental Impact Statement* (FEIS) FOR ALLOCATION OF HARVEST OPPORTUNITY BETWEEN SECTORS OF THE PACIFIC COAST GROUNDFISH FISHERY—Continued

Stocks and stock	Shoreside trawl sectors	
Complexes	Alternative 4:	
	Non-Whiting	Whiting
Arrowtooth Flounder	100.0%	0.0%
Starry Flounder	100.0%	0.0%
Other Flatfish	99.9%	0.1%

An example of the error being corrected through this notice is the shorebased trawl allocation of Other Flatfish. The 2014 Other Flatfish annual catch limit is 4,884 mt. Deducting anticipated mortality from research, incidental open access fisheries, and the tribal fishery results in a fishery harvest guideline of 4,682mt. (50 CFR part 660, Subpart C, Table 2a). From the fishery harvest guideline, the trawl allocation is 90 percent of that amount, or 4,214 mt. (50 CFR part 660, Subpart C, Table 2b). From the trawl allocation, the at-sea whiting fishery receives a set-aside of 20 mt. (50 CFR part 660, Subpart C, Table 2d). The remaining approximately 4,194 mt. should have been the shorebased trawl allocation of Other Flatfish. However, the existing shorebased trawl allocation table at § 660.140 (d)(1)(ii)(D) has the value as 4,189.61 mt. The roughly 4.4 mt shortfall in the shorebased trawl allocation of Other Flatfish was caused by multiplying the 4,194 mt by the 99.9 percent initial issuance allocation percent for Other Flatfish non-whiting trips, seen in the first column in Table 1 above. As stated previously, this was not the intended use for those initial issuance values, and the resulting errors under-allocated fish to the shorebased trawl sector.

The shortfalls occurred for English sole, lingcod, minor slope rockfish north of 40°10 N. latitude, Other Flatfish, Pacific cod, shortspine thornyhead N. of 34°27 N. latitude, and yellowtail rockfish north of 40°10′ N latitude. This action corrects the allocations such that the shorebased IFQ sector receives 100 percent of the intended allocation for 2014 and revises the 2014 shorebased trawl allocation table at § 660.140 (d)(1)(ii)(D) for English sole, lingcod, minor slope rockfish north of 40°10 N. latitude, Other Flatfish, Pacific cod, shortspine thornyhead N. of 34°27 N. latitude, and yellowtail rockfish north of 40°10′ N latitude. For all species except yellowtail rockfish north of 40°10′ N latitude, the correction represents an increased allocation of less than 5 mt; for yellowtail rockfish north of 40°10′ N latitude, it results in an increase of 300 mt. This correction does not change any existing annual catch limits or allocation formulas or result in allocating fish in a manner other than was intended through the 2013–2014 harvest specifications and management measures.

Classification

The Assistant Administrator (AA) for Fisheries, NOAA, finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. This notice corrects 2014 shorebased trawl allocations for several species of groundfish in the shorebased trawl allocation table that were inadvertently misreported in the Biennial Specifications and Management Measures final rule, and will result in a very minor increase in quota pounds (the number of pounds of fish this particular sector is allowed to catch) for several species. This correction must be implemented in a timely manner so that fishermen are allowed increased opportunities to harvest available stocks, and meet the objective of the Pacific Groundfish Fishery Management Plan to allow fisheries to approach, but not exceed, Annual Catch Limits. It would be contrary to the public interest to delay implementation of these changes until after public notice and comment, because making this regulatory change by May 16, 2014, allows harvest as intended by the Council, consistent with the best scientific information available. For the reasons above, the AA also finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness and makes this rule effective immediately upon publication.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Indian fisheries.

Dated: May 12, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is corrected by making the following correcting amendments:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 773 *et seq.*

■ 2. In § 660.140, revise paragraph (d)(1)(ii)(D) to read as follows:

§ 660.140 Shorebased IFQ Program.

* * * * *

(d) * * *

(1) * * *

(ii) * * *

(D) For the trawl fishery, NMFS will issue QP based on the following shorebased trawl allocations:

IFQ Species	Management area	2013 Shorebased trawl allocation (mt)	2014 Shorebased trawl allocation (mt)
Arrowtooth flounder		3,846.13	3,467.08
BOCACCIO	South of 40°10′ N. lat.	74.90	79.00
CANARY ROCKFISH		39.90	41.10
Chilipepper	South of 40°10′ N. lat.	1,099.50	1,067.25

IFQ Species	Management area	2013 Shorebased trawl allocation (mt)	2014 Shorebased trawl allocation (mt)
COWCOD	South of 40°10′ N. lat.	1.00	1.00
DARKBLOTCHED ROCKFISH		266.70	278.41
Dover sole		22,234.50	22,234.50
English sole		6,365.03	5,260.85
Lingcod	North of 40°10′ N. lat.	1,222.57	1,155.15
Lingcod	South of 40°10′ N. lat.	494.41	474.30
Longspine thornyhead	North of 34°27′ N. lat.	1,859.85	1,811.40
Minor shelf rockfish complex	North of 40°10′ N. lat.	508.00	508.00
Minor shelf rockfish complex	South of 40°10′ N. lat.	81.00	81.00
Minor slope rockfish complex	North of 40°10′ N. lat.	776.93	789.38
Minor slope rockfish complex	South of 40°10′ N. lat.	376.11	378.63
Other flatfish complex		4,189.61	4,193.80
Pacific cod		1,125.29	1,126.41
PACIFIC OCEAN PERCH	North of 40°10′ N. lat.	109.43	112.28
Pacific Whiting		85,679	108,935
PETRALE SOLE		2,318.00	2,378.00
Sablefish	North of 36° N. lat.	1,828.00	1,988.00
Sablefish	South of 36° N. lat.	602.28	653.10
Shortspine thornyhead	North of 34°27′ N. lat.	1,385.35	1,372.49
Shortspine thornyhead	South of 34°27′ N. lat.	50.00	50.00
Splitnose rockfish	South of 40°10′ N. lat.	1,518.10	1,575.10
Starry flounder		751.50	755.50
Widow rockfish		993.83	993.83
YELLOWEYE ROCKFISH		1.00	1.00
Yellowtail rockfish	North of 40°10′ N. lat.	2,635.33	2,938.85

* * * * *

[FR Doc. 2014–11309 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 95
Friday, May 16, 2014

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

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1005

[Docket No. CFPB–2014–0008]

RIN 3170–AA45

Electronic Fund Transfers (Regulation E)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On April 25, 2014, the Bureau of Consumer Financial Protection (Bureau) published in the **Federal Register** a Notice of Proposed Rulemaking proposing amendments to certain requirements set forth in subpart B of Regulation E related to remittance transfers (Remittance Proposal). The Remittance Proposal allowed a 30-day comment period that will end on May 27, 2014. To allow interested persons additional time to consider and submit their responses, the Bureau has determined that an extension of the comment period until June 6, 2014, is appropriate.

DATES: The comment period for the Remittance Proposal published April 25, 2014, at 79 FR 23233, is extended. Responses must now be received on or before June 6, 2014.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2014–0008 or RIN 3170–AA45, by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail/Hand Delivery/Courier:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

Instructions: All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: For general inquiries, submission process questions, or any additional information, please contact Monica Jackson, Office of the Executive Secretary, 202–435–7275.

SUPPLEMENTARY INFORMATION: On April 15, 2014, the Bureau issued the Remittance Proposal. The Remittance Proposal was published in the **Federal Register** on April 25, 2014. The Remittance Proposal seeks comment, data and information from the public about proposed amendments to certain disclosure and error resolution requirements set forth in subpart B of Regulation E, which implements the Electronic Fund Transfers Act. Among other clarifying amendments and technical corrections, the Remittance Proposal would extend a temporary provision that permits insured institutions to estimate certain pricing disclosures pursuant to section 1073 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Absent further action by the Bureau, that exception expires on July 21, 2015.

The comment period on the Remittance Proposal was to close on May 27, 2014.

The Bureau has received a number of oral and written requests from industry trade groups asking that the Bureau extend the Remittance Proposal comment period. The requests indicated that additional time would enable interested parties to more thoroughly evaluate and respond to the specific issues raised in the proposal.

The Bureau balances interested parties' desire to have additional time to consider the issues raised in the Remittance Proposal, gather data, and prepare their responses, with the need to provide industry and consumers with certainty and ample time to plan in advance of July 21, 2015, the date by which, absent further action by the Bureau, the temporary exception is set to expire. Accordingly, the Bureau determines an extension of the comment period is appropriate and is extending the period allotted for comments received pursuant to the Remittance Proposal for 10 additional days. The comment period will now close on June 6, 2014.

Dated: May 12, 2014.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2014–11421 Filed 5–15–14; 8:45 am]

BILLING CODE 4810–AM–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1112 and 1230

[Docket No. CPSC–2014–0011]

Safety Standard for Frame Child Carriers

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Danny Keysar Child Product Safety Notification Act, section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), requires the United States Consumer Product Safety Commission (Commission or CPSC) to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. The Commission is proposing a safety standard for frame child carriers in response to the direction under section 104(b) of the CPSIA. In addition, the Commission is proposing an

amendment to the list of Notice of Requirements (NOR) issued by the Commission.

DATES: Submit comments by July 30, 2014.

ADDRESSES: Comments related to the Paperwork Reduction Act aspects of the marking, labeling, and instructional literature of the proposed mandatory standard for frame child carriers should be directed to the Office of Information and Regulatory Affairs, the Office of Management and Budget, Attn: CPSC Desk Officer, FAX: 202–395–6974, or emailed to *oira_submission@omb.eop.gov.*

Other comments, identified by Docket No. CPSC–2014–0011, may be submitted electronically or in writing:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *http://www.regulations.gov.* Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through *www.regulations.gov.* The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions in the following way: Mail/Hand delivery/Courier, preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this proposed rulemaking. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov,* and insert the docket number, CPSC–2014–0011, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Patricia L. Edwards, Project Manager, Directorate for Engineering Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; email: *pedwards@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

The CPSIA was enacted on August 14, 2008. Section 104(b) of the CPSIA, part of the Danny Keysar Child Product Safety Notification Act, requires the Commission to: (1) Examine and assess the effectiveness of voluntary consumer product safety standards for durable infant or toddler products, in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts; and (2) promulgate consumer product safety standards for durable infant and toddler products. Standards issued under section 104 are to be ''substantially the same as'' the applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product.

The term ''durable infant or toddler product'' is defined in section 104(f)(1) of the CPSIA as ''a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years.'' Section 104(f)(2)(I) of the CPSIA specifically identifies ''infant carriers'' as a durable infant or toddler product. The category of infant carriers covers a variety of products. The Commission has previously issued rules under section 104 for other infant carriers: specifically, for hand-held infant carriers and for soft infant and toddler carriers.

Pursuant to section 104(b)(1)(A), the Commission consulted with manufacturers, retailers, trade organizations, laboratories, consumer advocacy groups, consultants, and members of the public in the development of this proposed standard, largely through the ASTM process. The proposed rule is based on the voluntary standard developed by ASTM International (formerly the American Society for Testing and Materials), ASTM F2549–14, *Standard Consumer Safety Specification for Frame Child Carriers,* with one proposed modification to specify requirements for the retention system performance test to provide clear pass/fail criteria for the carrier's restraints.

The ASTM standard is copyrighted, but the standard can be viewed as a read-only document during the comment period on this proposal only, at: *http://www.astm.org/cpsc.htm,* by permission of ASTM.

The testing and certification requirements of section 14(a) of the Consumer Product Safety Act (CPSA) apply to the standards promulgated under section 104 of the CPSIA. Section 14(a)(3) of the CPSA requires the Commission to publish an NOR for the accreditation of third party conformity assessment bodies (test laboratories) to assess conformity with a children's product safety rule to which a children's product is subject. The proposed rule for frame child carriers, if issued as a final rule, will be a children's product safety rule that requires the issuance of an NOR. To meet the requirement that the Commission issue an NOR for the frame child carriers standard, the draft notice of proposed rulemaking (NPR) proposes to amend 16 CFR part 1112.

II. Product Description

A. Definition of Frame Child Carrier

The scope section of ASTM F2549–14 defines a ''frame child carrier'' as ''a product normally of sewn fabric construction on a tubular metal or other frame, which is designed to carry a child, in an upright position, on the back of the caregiver.'' The intended occupants of frame child carriers are children who are able to sit upright unassisted and weigh between 16 and 50 pounds. Frame child carriers are intended to be worn on the back and suspended from both shoulders of the caregiver's body in a forward- or rear-facing position. This type of carrier is often used for hiking and typically closely resembles hiking/mountaineering backpacks not intended to be used for transporting children.

B. Market Description

CPSC staff is aware of 15 firms currently supplying frame child carriers to the U.S. market, although additional firms may supply these products to U.S. consumers. Most of these firms specialize in the manufacture and/or distribution of one of two distinct types of products: (1) Children's products, including durable nursery products; or (2) outdoor products, such as camping and hiking gear. The majority of the 15 known firms are domestic (including four manufacturers, seven importers, and one firm whose supply source could not be determined). The remaining three firms are foreign (including two manufacturers and one firm that imports products from foreign companies and distributes them from outside of the United States).

III. Incident Data

CPSC's Directorate for Epidemiology, Division of Hazard Analysis, is aware of a total of 47 frame child carrier-related incidents reported to CPSC that

occurred between January 1, 2003 and October 27, 2013. Although there were no fatalities in the 47 incidents, 33 injuries were reported. Twenty-eight of the reports were received through the National Electronic Injury Surveillance System (NEISS). According to reports, the oldest child involved in an incident was 3 years old. For some incidents, the age of the child was not reported because no injury was involved, or the age of the child was unknown.

A. Fatalities

The incident data did not include any reports of fatalities.

B. Nonfatalities

Among the 33 reported nonfatal injuries, there were no hospitalizations. More than half of these incidents reported a serious injury, such as a closed-head injury[1] or a fracture of the leg or face. The other reported injuries ranged from head/facial lacerations, to dislocated arms and contusions and abrasions.

A majority of the injuries resulted from falls from the frame child carrier. Many of the falls occurred when children slipped out of the frame child carrier through leg openings; in other scenarios, children fell out when carriers, placed on elevated surfaces, toppled over, or when caregivers fell when carrying the infant in the carrier. For other falls, the specifics of the circumstances were not reported. Certain non-fall injuries occurred when the frame child carrier tipped over due to instability when the carrier was placed upright on the floor, or from caregiver errors in placing/removing the child in or from the carrier. The remaining 14 incident reports indicated that no injury had occurred or else provided no information about any injury. However, many of the 14 incident reports described scenarios that CPSC staff believes presented the potential for a serious injury or even death.

C. Hazard Pattern Identification

CPSC staff reviewed all 47 reported incidents (33 with injuries and 14 without injuries) to identify hazard patterns associated with frame child carriers. Subsequently, CPSC staff considered each pattern when reviewing the adequacy of ASTM F2549–14.

Staff grouped the incidents into three broad categories of hazard patterns (product-related, non-product-related, and unknown); staff then further classified the incidents within each category. In order of frequency of incident reports, the hazard patterns are described below:

1. *Product Related:* Twenty-nine of the 47 incidents, including 15 of the 33 injuries, were attributed to product-related issues. The specific product-related issues were:

- *Structural integrity* of the frame child carrier was identified as a problem in 11 (23 percent) of the 47 incidents. Reported problems included:
  - Failure of caregiver's attachment components;
  - Poor quality stitching on straps;
  - Detachment of the cloth component from the frame; and
  - Loose screws or breakage of the frame, which resulted in an abrasion injury.

A review of the data shows that each of the 11 incidents involved carriers manufactured before the initial publication of ASTM F2549 in 2006.

- *Stability* problems of the frame child carrier were reported in nine incidents (19 percent); all nine incidents resulted in an injury to the head/face of the child. In some cases, when the carrier was placed on an elevated surface, the infant fell out of the carrier as the carrier toppled over. In other cases, when the carrier was at ground level, the infant fell along with the carrier when the carrier tipped over. All nine incidents were from NEISS reports; and thus, information about the carrier and details about the incident are unknown. Three of the nine incidents occurred before 2006, and thus, involved carriers that were manufactured before the initial publication of ASTM F2549.
- *Leg opening* problems were reported in seven incidents (15 percent). In these cases, the leg holes were large enough to allow the child to slip out or almost slip out of the carrier. In a few of these incidents, the consumer also expressed concern about the potential risk of strangulation if the child were to get trapped in the process of slipping out through the opening. This category includes four injuries to the head and/or face due to a fall. Three of the seven incidents involved carriers manufactured after ASTM F2549 was first published.
- *Restraint* inadequacy was reported in two incidents (4 percent); one was a NEISS incident that occurred in 2005, and the other incident occurred in 2009. In both cases, the caregiver bent over, and the restraints somehow failed to prevent the child from sliding out from the top. One injury is included in this category.

2. *Non-Product-Related:* Nine incidents (19 percent) involving nine injuries were not attributable to any product-related failure or defect. Five of the incidents resulted in arm dislocation injuries during the placement/removal of the child in or out of the frame child carrier. The remaining four incidents resulted in injuries (leg fracture, closed-head injury, and facial laceration, for example) when the caregiver slipped or tripped and fell, with the child in the carrier.

3. *Unknown:* There were nine NEISS incidents (19 percent) reported that provided very few scenario-specific details. Staff could not determine whether there was any product involvement or any hazardous external circumstances. All of the incidents resulted in injuries to the head and/or face due to falls.

D. Product Recalls

There have been two product recalls involving frame child carriers from January 1, 2003 to October 27, 2013. One recall involved 4,000 units, and the other recall involved 40 units.

IV. Other Relevant Standards

A. International Standards

CPSC is aware of one international standard, EN 13209–1:2004, *European/British Standard for Child use and care articles—Baby carriers—Safety requirements and test methods—Part 1: Framed back carriers,* which addresses frame child carriers in a fashion similar to ASTM F2549–14. Although there are differences between the two standards, CPSC believes that the ASTM standard is more stringent in most areas and addresses most of the hazard patterns seen in the CPSC incident data. The exception is the test requirement for the occupant retention system (known as the child-restraint system in the EN standard). The EN standard has clear pass/fail requirements for restraint performance, and the ASTM standard does not. Both standards include a test procedure that rotates the carrier a full 360 degrees when occupied by a surrogate dummy. In addition, both standards include procedures that apply forces to the retention straps, attachment points, and the dummy legs. The EN standard requirement states that the dummy shall not fall completely out of the restraint system and that the attachment of the restraint system shall not break, deform, work loose, or become torn/displaced. Additionally, the EN standard requires that fasteners shall not be released or have suffered damage that impairs their operation and function. The ASTM standard does not

[1] According to staff from the Directorate for Health Sciences, a closed head injury is a head injury where the skull remained intact but it can range in severity from a minor bump to a severe life-threatening traumatic brain injury.

contain any of this language, and therefore, as discussed in section V of the preamble, and as reflected in the language of the proposed § 1230.2(b)(1)(i), the Commission's proposed standard includes a modification to ASTM F2549 that would specify test criteria similar to those provided in the EN standard.

B. Voluntary Standard—ASTM F2549

1. History of ASTM F2549

The voluntary standard for frame child carriers was first approved and published in December 2006, as ASTM F2549–06, *Standard Consumer Safety Specification for Frame Child Carriers.* ASTM has revised the voluntary standard five times since then. The current version, ASTM F2549–14, was approved on January 1, 2014.

The original version, ASTM F2549–06, contained requirements to address the following issues:

- Sharp points
- Small parts
- Lead in paint
- Wood parts
- Scissoring, shearing, pinching
- Openings
- Exposed coil springs
- Locking and latching (for carriers that fold for storage, this requirement helps prevent unintentional folding)
- Unintentional folding (for carriers with kick stands that can stand freely, this requirement helps prevent the unintentional folding of the kick stand)
- Labeling
- Protective components
- Leg openings (to help prevent smaller occupants from falling out of the carrier through a single leg opening)
- Dynamic strength (tests the frame, fasteners, and seams/stitching under dynamic conditions to help prevent breakage or separation)
- Static load (ensures the carrier can hold three times the maximum recommended weight)
- Stability (for carriers that can stand freely, this helps prevent an occupied carrier from tipping over during normal use)
- Restraints (requires that all carriers have a restraint system and also provides a method for testing the restraints)
- Handle integrity (helps prevent the handle from breaking or separating when it is pulled with three times the maximum recommended weight)

ASTM F2549–08 (approved November 1, 2008) addressed the following issues:

- New flammability requirements for carriers
- New toy accessory requirements
- A revised unintentional folding test procedure, adding a weight load to mimic an occupant in the carrier.

ASTM F2549–09 (approved April 1, 2009) addressed the following issue:

- A revised dynamic strength test procedure because some carrier designs could not be tested using the old method.

ASTM F2549–09a (approved July 1, 2009) addressed the following issue:

- Change of the reference to the flammable solids requirement [16 CFR 1500.3(C)(6)(vi)] to correct an editorial error.

ASTM F2549–13 (approved November 1, 2013) addressed the following issues:

- A revised leg opening test procedure to reflect the use of the product better and explain what is happening in incident reports where children were slipping through a leg opening.
- A revised scope to include carriers rated for weights up to 50 pounds, which reflects the existing market for frame child carriers.

ASTM F2549–14 (approved January 1, 2014) addressed the following issue:

- A revised dynamic strength test to accommodate the greater weight rating (which was changed in version F2549–13).

2. Description of the Current Voluntary Standard—ASTM F2549–14

We believe that the current voluntary standard, ASTM F2549–14, sufficiently addresses the primary hazard patterns identified in the incident data. The following section discusses how each of the identified hazard patterns listed above is addressed by the current voluntary standard, ASTM F2549–14.

Structural Integrity

ASTM F2549–14 uses a dynamic strength test and a static load test to assess the structural integrity of frame child carriers. We are aware of 11 reported incidents associated with the structural integrity of carriers that occurred before the first publication of ASTM F2549 in 2006. No incidents have been reported involving carriers manufactured since 2006. Thus, we believe that the combination of the dynamic strength and static load tests are adequate to address the issues associated with structural integrity.

Stability Problems

A total of nine tip-over incidents were reported to CPSC, all through hospital emergency departments with very few scenario-specific details. CPSC staff's review of these incident reports shows that three incidents involved carriers falling from elevated surfaces. The fall hazard and recommendations to mitigate this hazard, including not placing the carrier on counter tops, tables, or other elevated surfaces, are specified in a warning label requirement. The standard requires this warning label to be in a conspicuous location, visible to the caregiver each time the occupant is placed in the carrier, or when the caregiver places the product on his or her body.

In addition to the warning label requirement, the current voluntary standard includes a stability requirement and associated test procedure so that carriers that use a kickstand can remain in an upright position and are stable. When used correctly, a kickstand is designed to make the carrier stable so that the child can remain safely in the carrier just before and immediately after being carried by the caregiver. CPSC considers the stability test in the ASTM standard to be strong, and thus, we view the test as capable of discerning stable versus unstable carriers.

Based on the reasons outlined above, CPSC believes that ASTM F2549–14 adequately addresses stability issues through the use of both a warning label and a strong test requirement and associated test procedure. Thus, CPSC is not proposing any modifications to the ASTM standard to address this hazard pattern.

Leg Opening Problems

Leg opening problems were reported in seven incidents. In those cases, the carrier's leg holes were large enough to allow the child to slip out or almost slip out of the carrier. In a few of these incidents, the consumer also expressed concern about the potential risk of strangulation if the child slipped out through the opening. This category of incidents includes four head/face injuries from falls. A closer look revealed that four of the seven incidents occurred before the standard was published. After initial publication of the standard in October 2006, no other leg opening incidents were reported until 2012. During a 6-month period between August 2012 and January 2013, three new leg opening incidents occurred.

Because of the new incidents, CPSC staff began working with ASTM in spring 2013, to update the leg opening test in ASTM F2549–09a. CPSC staff collected 10 carriers from a variety of suppliers, including the carrier involved in the three incidents, and staff tested each carrier to the leg opening requirement in ASTM F2549–09a. This

test requires the carrier to be adjusted to the smallest leg opening; and then a 7-pound, 16.5-inch circumference test sphere [2] is placed in the carrier. Next, the carrier is tilted until the leg opening is horizontal, and then the carrier is held in that position for an additional minute. The test is repeated for the other leg opening. To pass the test, the sphere must not pass through either leg opening. CPSC staff found that all 10 carriers that were tested passed the requirement specified in ASTM F2549–09a.

CPSC staff, with the help of an ASTM task group, developed a more stringent test method that addressed the recent incidents. Instead of being adjusted to the smallest leg opening, carriers were fitted around a CAMI Infant Dummy Mark II (modeled after a 50th percentile 6-month old child). Four of the 10 carriers failed the modified leg-opening test. Notably, one of the carriers that failed the modified test was associated with the recent incident reports of children falling through leg openings.

In fall 2013, ASTM balloted a revised test procedure for leg openings that was developed by CPSC staff and the ASTM task group. This ballot item passed and was included in the revised standard, F2549–13. With the inclusion of this recently revised leg-opening test method, CPSC believes that the current voluntary standard is now adequate to address leg-opening hazards.

Although we believe the current standard adequately addresses the three hazard patterns described above, we will continue to monitor incidents and work with ASTM to make any necessary future changes.

Restraints

There were two reported incidents of restraint inadequacy. One was a NEISS report of a child falling out of a carrier when the caregiver leaned forward. This report contained no information regarding whether the restraints were used properly or how the restraints were involved. The other incident involved an 8-month-old child who stood up and almost fell out of the carrier while the caregiver was leaning forward. In the latter incident, we do not know what happened to the shoulder straps, but the report mentioned that the restraints might have been adjusted to be too loose. There was no report that the restraints broke in any way or became loose on their own.

[2] The test sphere size is based on the hip circumference of the smallest child likely to use the frame child carrier (3 to 5 months of age).

V. Proposed Change to ASTM F2549–14 in the Proposed Mandatory Standard

ASTM juvenile product standards generally include sections that provide performance requirements and test methods. The performance requirement section spells out the pass/fail criteria associated with various requirements, while the test method section outlines the procedures for conducting the tests that need to be performed to determine whether the product meets the pass/fail criteria. Although some performance requirements do not have an associated test method, all test methods must have an associated performance (or general) requirement.

ASTM F2549–14 contains a performance requirement and a test procedure intended to address the hazard patterns associated with frame child carriers. However, CPSC concludes that a change to the ASTM standard's performance requirement is needed to address restraint hazards adequately. The current performance requirement associated with the retention (restraint) system for frame child carriers states:

6.5 *Retention System:*

6.5.1 A retention system, including a shoulder restraint, shall be provided to secure the occupant in a seated position in any of the manufacturer's recommended use positions when tested in accordance with 7.5.

6.5.2 Before shipment, the manufacturer shall attach the retention system in such a manner that it will not detach in normal usage.

6.5.3 If the retention system includes a crotch restraint designed to work with a lap belt, it shall be designed such that its use is mandatory when the retention system is in use.

The retention system test procedure (section 7.5 of the standard) has three parts. Under the first part, a 45-lbf (pound-force) is applied to a single attachment point of the retention system. The second part of the test procedure requires a CAMI Infant Dummy Mark II to be placed in the carrier with the restraint system secured. Then, a 45-lbf is applied horizontally on the centerline of either leg of the dummy and repeated five times. For the third part of the test procedure, the carrier, containing the CAMI dummy, is lifted and rotated backwards 360° about the axis of the intersection of the seat back and bottom. The carrier is then rotated 360° around the axis of the side edge of the seat bottom.

CPSC believes that the purpose of the first two parts of the test procedure is to help ensure that the retention system and all buckles do not break, disengage, or separate at any seams. In addition, CPSC believes the purpose of the third part of the test procedure is to help ensure that the CAMI dummy does not fall out of the carrier. Therefore, CPSC concludes that the standard should express these goals as criteria to determine whether restraint systems comply with the performance requirements. However, these pass/fail criteria are not mentioned explicitly in the performance requirement section of ASTM F2549–14. CPSC believes the frame child carriers standard should include explicit pass/fail criteria. Without this change to the standard, a frame child carrier that is undergoing testing could fail the intended criteria but still be deemed to comply with the standard. Thus, correcting the standard prevents this from happening and, in effect, makes the standard more stringent. Staff consulted with representatives from two test laboratories and the ASTM subcommittee chairman about the lack of explicit pass/fail criteria in the ASTM standard's requirements for retention systems. Test laboratory personnel reported that they likely had not tested any frame child carriers that should have failed the purpose of the requirement; otherwise, the test laboratory personnel would have noted the lack of stated criteria previously.

Both the consulted test laboratory representatives and the ASTM subcommittee chairman agreed that the requirement should be revised so that the purpose of the restraint performance test is expressed clearly. With the help of the test laboratory personnel, staff developed a revised requirement using language found in similar requirements in the EN standard and the ASTM high chair and stroller standards. CPSC staff suggested language to explicitly require that buckles shall not break, disengage, or separate and that all fasteners cannot become damaged to the point that the restraint system will not function as a result of the test. In addition, staff suggested language that requires that the CAMI dummy not fall out of the carrier. In February 2014, staff wrote a letter to the ASTM subcommittee chairman,[3] outlining the suggested new language, and asking that the matter be discussed at the next ASTM meeting. During the April 9, 2014 ASTM subcommittee meeting, the letter (including the recommended language) was shared with the subcommittee. The subcommittee agreed to ballot the

[3] *http://www.cpsc.gov//Global/Regulations-Laws-and-Standards/Voluntary-Standards/Voluntary-Standards-Reports/Frame%20Infant%20Carriers/LetterToASTMFrameCarriers21014.pdf.*

proposed language for inclusion in the next revision of the standard. Accordingly, proposed § 1230.2(b)(1)(i)(D) includes a modification to the ASTM standard's retention system performance requirement in section 6.5, by adding a new section 6.5.4 that would require that when the frame child carrier restraints are tested in accordance with section 7.5 of the voluntary standard, the restraint system and its closing means (for example, a buckle) shall not break, disengage or separate at any seam and all fasteners shall not release or suffer damage that impairs the operation and function of the restraint system. Additionally, at the end of the tests, the CAMI dummy shall not be released fully or fall out of the carrier.

VI. Amendment to 16 CFR Part 1112 To Include NOR for Frame Child Carriers Standard

The CPSA establishes certain requirements for product certification and testing. Products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard or regulation under any other act enforced by the Commission, must be certified as complying with all applicable CPSC-enforced requirements. 15 U.S.C. 2063(a). Certification of children's products subject to a children's product safety rule must be based on testing conducted by a CPSC-accepted third party conformity assessment body. *Id.* 2063(a)(2). The Commission must publish an NOR for the accreditation of third party conformity assessment bodies to assess conformity with a children's product safety rule to which a children's product is subject. *Id.* 2063(a)(3). Thus, the proposed rule for 16 CFR part 1230, *Safety Standard for Frame Child Carriers,* if issued as a final rule, would be a children's product safety rule that requires the issuance of an NOR.

The Commission published a final rule, *Requirements Pertaining to Third Party Conformity Assessment Bodies,* 78 FR 15836 (March 12, 2013), codified at 16 CFR part 1112 (referred to here as part 1112) and effective on June 10, 2013, that establishes requirements for accreditation of third party conformity assessment bodies to test for conformance with a children's product safety rule in accordance with section 14(a)(2) of the CPSA. Part 1112 also codifies all of the NORs that have been issued previously by the Commission.

All new NORs for new children's product safety rules, such as the frame child carriers standard, require an amendment to part 1112. To meet the requirement that the Commission issue an NOR for the proposed frame child carriers standard, as part of this NPR, the Commission proposes to amend the existing rule that codifies the list of all NORs issued by the Commission to add frame child carriers to the list of children's product safety rules for which the CPSC has issued an NOR.

Test laboratories applying for acceptance as a CPSC-accepted third party conformity assessment body to test to the new standard for frame child carriers would be required to meet the third party conformity assessment body accreditation requirements in part 1112. When a laboratory meets the requirements as a CPSC-accepted third party conformity assessment body, the laboratory can apply to the CPSC to have 16 CFR part 1230, *Safety Standard for Frame Child Carriers,* included in the laboratory's scope of accreditation of CPSC safety rules listed for the laboratory on the CPSC Web site at: *www.cpsc.gov/labsearch.*

VII. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of the final rule. 5 U.S.C. 553(d). The Commission is proposing an effective date of six months after publication of the final rule in the **Federal Register**. Without evidence to the contrary, CPSC generally considers six months to be sufficient time for suppliers to come into compliance with a new standard, and a six-month effective date is typical for other CPSIA section 104 rules. Six months is also the period that the Juvenile Products Manufacturers Association (JPMA) typically allows for products in the JPMA certification program to transition to a new standard once that standard is published. The Commission does not expect the modification proposed for frame child carriers to cause any changes to existing products.

We also propose a six-month effective date for the amendment to part 1112.

We ask for comments on the proposed six-month effective date.

VIII. Regulatory Flexibility Act

A. Introduction

The Regulatory Flexibility Act (RFA) requires that agencies review a proposed rule for the rule's potential economic impact on small entities, including small businesses. Section 603 of the RFA generally requires that agencies prepare an initial regulatory flexibility analysis (IRFA) and make the analysis available to the public for comment when the agency publishes a notice of proposed rulemaking. The IRFA must describe the impact of the proposed rule on small entities and identify any alternatives that may reduce the impact. Specifically, the IRFA must contain:

- A description of, and where feasible, an estimate of the number of small entities to which the proposed rule will apply;
- a description of the reasons why action by the agency is being considered;
- a succinct statement of the objectives of, and legal basis for, the proposed rule;
- a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities subject to the requirements and the types of professional skills necessary for the preparation of reports or records; and
- an identification, to the extent possible, of all relevant federal rules which may duplicate, overlap, or conflict with the proposed rule.

B. Market Description

CPSC is aware of 15 firms currently supplying frame child carriers to the U.S. market, although additional firms may supply these products to U.S. customers. Most of these firms specialize in the manufacture and/or distribution of one of two distinct types of products: (1) children's products, including durable nursery products; or (2) outdoor products, such as camping and hiking gear. The majority of the 15 known firms are domestic (including four manufacturers, seven importers, and one firm whose supply source could not be determined). The remaining three firms are foreign (including two manufacturers and one firm that imports products from foreign companies and distributes the products from outside of the United States).[4]

According to a 2005 survey conducted by the American Baby Group (*2006 Baby Products Tracking Study*),[5] 32 percent of new mothers owned a frame child carrier. Approximately 32 percent of those carriers were handed down or purchased secondhand,[6] and about 68

[4] Staff made these determinations using information from Dun & Bradstreet and ReferenceUSAGov, as well as firm Web sites.

[5] The data collected for the *Baby Products Tracking Study* do not represent an unbiased statistical sample. The sample of 3,600 new and expectant mothers is drawn from American Baby magazine's mailing lists. Additionally, because the most recent survey information is from 2005, the data may not reflect the current market.

[6] The data on secondhand products for new mothers were not available. Instead, data for new mothers and expectant mothers were combined and

Continued

percent were new when acquired. This information suggests annual sales of around 870,000 frame child carriers (.32 × .68 × 4 million births per year),[7] typically costing from $100 to around $300.

C. Reason for Agency Action and Legal Basis for the Proposed Rule

The Danny Keysar Child Product Safety Notification Act, section 104 of the CPSIA, requires the CPSC to promulgate a mandatory standard that is substantially the same as, or more stringent than, the voluntary standard for a durable infant or toddler product. The proposed rule implements that congressional direction.

D. Other Federal Rules

There are two federal rules that would interact with the frame child carriers mandatory standard: (1) Testing and Labeling Pertaining to Product Certification (16 CFR part 1107); and (2) Requirements Pertaining to Third Party Conformity Assessment Bodies (16 CFR part 1112).

The testing and labeling rule (16 CFR part 1107) requires that manufacturers of children's products subject to children's product safety rules certify, based on third party testing, that the manufacturers' children's products comply with all applicable children's product safety rules. If a final children's product safety rule for frame child carriers is adopted by the Commission, frame child carriers will be subject to the third party testing requirements, including record keeping, when such a final frame child carriers rule becomes effective.

In addition, the 16 CFR part 1107 rule requires the third party testing of children's products to be conducted by CPSC-accepted test laboratories. Section 14(a)(3) of the CPSA requires the Commission to publish an NOR for the accreditation of third party conformity assessment bodies to test for conformance with each children's product safety rule. Existing NORs that have been issued by the Commission are listed in 16 CFR part 1112. Consequently, the Commission proposes to amend 16 CFR part 1112 to add the frame child carriers rule to the list of rules for which the Commission has issued an NOR.

E. Impact of Proposed 16 CFR Part 1230 on Small Businesses

We are aware of approximately 15 firms currently marketing frame child carriers in the United States, 12 of which are domestic firms. Under U.S. Small Business Administration (SBA) guidelines, a manufacturer of frame child carriers is categorized as small if the firm has 500 or fewer employees, and importers and wholesalers are considered small if they have 100 or fewer employees. We limited our analysis to domestic firms because SBA guidelines and definitions pertain to U.S.-based entities. Based on these guidelines, about nine of the identified 15 firms are small—three domestic manufacturers, five domestic importers, and one domestic firm with an unknown supply source. There may be additional unknown small domestic frame child carrier suppliers operating in the U.S. market.

Prior to the preparation of a regulatory flexibility analysis, staff conducts a screening analysis in order to determine whether a regulatory flexibility analysis or a certification statement of no significant impact on a substantial number of small entities is appropriate for a proposed rule. The SBA gives considerable flexibility in defining the threshold for ''no significant economic impact.'' However, staff typically uses 1 percent of gross revenue as a threshold; unless the impact is expected to fall below the 1 percent threshold for the small businesses evaluated, staff prepares a regulatory flexibility analysis. Because staff was unable to demonstrate that the proposed rule would impose an economic impact less than 1 percent of gross revenue for the affected firms, staff conducted an IRFA.

Small Manufacturers. Of the three small domestic manufacturers, the proposed rule is likely to have little or no impact on the two firms whose frame child carriers comply with the ASTM voluntary standard currently in effect for JPMA testing and certification purposes (ASTM F2549–09a). We anticipate that these firms will remain compliant with the voluntary standard as the standard changes because these firms follow, and in at least one case, participate actively in the voluntary standard development process. Therefore, compliance with the evolving voluntary standard is part of an established business practice. ASTM F2549–14, the version of the voluntary standard upon which the proposed rule is based, will be in effect already for JPMA testing and certification purposes, before a mandatory standard becomes final, should one be issued by the Commission; and these firms are likely to be in compliance based on their history. Because the proposed modification to the retention system requirement consists of specifying pass/fail criteria already used by test laboratories, we do not expect the modification to have an impact on firms.

The remaining small manufacturer would experience some economic impacts of unknown size. Based on discussions with a company representative, this firm does not know whether its products comply with the voluntary standard, having been previously unaware of the standard's existence. However, the firm indicated that it might elect to discontinue production of its frame child carriers, even if the firm's frame child carriers prove to be compliant with the proposed CPSC standard. The company believes that the burden associated with the testing and record-keeping requirements triggered by a mandatory frame child carriers standard might exceed the value of continuing production. Although this firm produces many other products, which should lessen the economic impact, and indicated that frame child carriers do not represent a large portion of the firm's product line, the firm did not convey the precise percentage of revenues that frame child carriers constitutes for this firm and thus, staff could not rule out a significant economic impact on this firm.

Under section 14 of the CPSA, should the Commission adopt the new frame child carriers requirements as a final rule, once the requirements become effective, all manufacturers will be subject to the additional costs associated with the third party testing and certification requirements under the testing and labeling rule (16 CFR part 1107). Third party testing will include any physical and mechanical test requirements specified in the final frame child carriers rule that may be issued; lead and phthalates testing are already required. Third party testing costs are in addition to the direct costs of meeting the frame child carriers standard.

Several firms were contacted regarding testing costs and one estimated that chemical and structural testing of one unit of a frame child carrier costs around $1,300. No other firms were willing or able to supply the requested testing cost information. Estimates provided by suppliers for other section 104 rulemakings indicate that around 40 percent to 50 percent of

broken into data for first-time mothers and data for experienced mothers. Data for first-time mothers and experienced mothers have been averaged to calculate the approximate percentage of products that were handed down or purchased secondhand.

[7] U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), National Center for Health Statistics, National Vital Statistics System, ''Births: Final Data for 2010,'' *National Vital Statistics Reports* Volume 61, Number 1 (August 28, 2012): Table 1. The number of births in 2010 is rounded from 3,999,386.

testing costs can be attributed to structural requirements, with the remaining 50 percent to 60 percent resulting from chemical testing (e.g., lead and phthalates). Therefore, staff estimates that testing to the ASTM voluntary standard could cost about $520 to $650 per sample tested ($1,300 × .4 to $1,300 × .5). These costs are consistent with testing cost estimates for products with standards of similar complexity.

Staff's review of the frame child carrier market shows that on average, each small domestic manufacturer supplies three different models of frame child carriers to the U.S. market annually. Therefore, if third party testing were conducted every year, third party testing costs for each manufacturer would be about $1,560 to $1,950 annually, if only one sample were tested for each model. Based on an examination of each small domestic manufacturer's revenues from recent Dun & Bradstreet or Reference USAGov reports, the impact of third party testing to ASTM F2549–14 is unlikely to be economically significant for the three small domestic manufacturers (i.e., testing costs less than one percent of gross revenue). Although the testing and labeling rule (16 CFR part 1107) does not set forth a specific number of samples firms will need to test to meet the ''high degree of assurance'' criterion, more than 100 units per model would be required to make testing costs economically significant for the two firms with available revenue data. As described above, the third manufacturer has already indicated that the firm may exit the market because of the testing costs, even if the company's frame child carriers meet the requirements of the voluntary standard.

Small Importers. As noted above, there are five small importers of frame child carriers, with three of them currently importing compliant carriers. In the absence of a mandatory regulation, these three small importers of frame child carriers would likely remain in compliance with new versions of the standard. Given that the three small importers have developed a pattern of compliance with the ASTM voluntary standard as the standard evolves and that the proposed rule does not differ substantively from the voluntary standard, ASTM F2549–14, as applied by test laboratories, the three small importers of compliant products would likely experience little or no direct costs under the proposed rule.

Whether there is a significant economic impact on the two small importers with noncompliant frame child carriers will depend upon the extent of the changes required to come into compliance and the response of their supplying firms. Because no small importers with noncompliant frame child carriers responded to requests for information, staff cannot estimate the precise economic impact on these firms.

However, in general, if an importer's supplying firm supplies products that comply with the new standard, the importer could elect to continue importing the frame child carriers. Any increase in production costs experienced by the importer's suppliers as a result of changes made to meet the mandatory standard may be passed on to the importer. If an importer is unwilling or unable to accept the increased costs, or if the importer's supplier decides not to comply with the mandatory standard, at least three alternative courses of action are available. First, the importer could find another supplier of frame child carriers. This could result in increased costs as well, depending, for example, on whether the alternative supplier must modify its carriers to comply with the mandatory standard. Second, the importer could import a different product in place of frame child carriers. This alternative would help mitigate the economic impact of the mandatory standard on these firms. Finally, the importer could stop importing frame child carriers and make no other changes to its product line. As with manufacturers, all importers are subject to third party testing and certification requirements. Consequently, if the Commission adopts a final mandatory standard for frame child carriers, importers will be subject to costs similar to those for manufacturers, if the importer's supplying foreign firm(s) does not perform third party testing. It does not appear likely that these costs would have a significant economic impact on the two small domestic importers for which revenue information is available, unless around 20 units per model were required to be tested to provide a ''high degree of assurance'' (i.e., at 20 units tested per model, testing costs will exceed one percent of gross revenue for each of these firms, even if testing costs are estimated at the lowest level of $520). The impact on the other three small importers is unknown.

Alternatives. Under the Danny Keysar Child Product Safety Notification Act, one alternative that generally reduces the impact on small entities is to make the voluntary standard mandatory with no modifications. However, in the case of frame child carriers, no difference in impact would be expected because the CPSC proposed modification articulates the current standard practice of test laboratories. Thus, only products that cannot meet the requirement without the modification would fail the requirement with the modification.

Another way that the Commission could reduce the economic impact of any proposed regulation, including the proposed frame child carriers rule, is to allow for a later effective date. The Commission proposes a 6-month effective date, which is the least amount of time frame child carrier firms familiar with the applicable ASTM standard have indicated they would need for new product development (1.5 years was the longest estimate, with most firms suggesting a 6-month to 1-year time frame). Product redevelopment might be necessary for some noncompliant firms to meet the requirements of ASTM F2549–14; although staff does not believe that complete redesigns will be necessary based on preliminary product testing. In particular, no product modifications should be necessary to meet the proposed pass/fail criteria for the retention system performance requirement because, as already mentioned, the proposed requirement only clarifies what the test laboratories are already performing. A later effective date, more in line with the longest estimate of time required for product redevelopment, could reduce the economic impact in two ways. One, firms are less likely to experience a lapse in production, which could result if they are unable to comply within the required timeframe. Two, firms could spread costs over a longer time period, thereby reducing their annual costs, as well as the present value of their total costs. In the case of frame child carrier firms, a longer effective date would primarily benefit firms with noncompliant products.

F. Impact of Proposed 16 CFR Part 1112 Amendment on Small Businesses

As required by the RFA, staff conducted a Final Regulatory Flexibility Analysis (FRFA) when the Commission issued the part 1112 rule (78 FR 15836, 15855–58). Briefly, the FRFA concluded that the accreditation requirements would not have a significant adverse impact on a substantial number of small test laboratories because no requirements were imposed on test laboratories that did not intend to provide third party testing services. The only test laboratories that were expected to provide such services were those that anticipated receiving sufficient revenue from the mandated testing to justify accepting the requirements as a business decision. Moreover, a test laboratory would only choose to provide such

services if it anticipated receiving revenues sufficient to cover the costs of the requirements.

Based on similar reasoning, amending 16 CFR part 1112 to include the NOR for the frame child carriers standard will not have a significant adverse impact on small test laboratories. Moreover, based upon the number of test laboratories in the United States that have applied for CPSC acceptance of accreditation to test for conformance to other mandatory juvenile product standards, we expect that only a few test laboratories will seek CPSC acceptance of their accreditation to test for conformance with the frame child carriers standard. Most of these test laboratories will have already been accredited to test for conformance to other mandatory juvenile product standards, and the only costs to them would be the cost of adding the frame child carriers standard to their scope of accreditation. As a consequence, the Commission certifies that the NOR amending 16 CFR part 1112 to include the frame child carriers standard will not have a significant impact on a substantial number of small entities.

IX. Environmental Considerations

The Commission's regulations address whether the agency is required to prepare an environmental assessment or an environmental impact statement. Under these regulations, a rule that has ''little or no potential for affecting the human environment,'' is categorically exempt from this requirement. 16 CFR 1021.5(c)(1). The proposed rule falls within the categorical exemption.

X. Paperwork Reduction Act

This proposed rule contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). In this document, pursuant to 44 U.S.C. 3507(a)(1)(D), we set forth:

- A title for the collection of information;
- a summary of the collection of information;
- a brief description of the need for the information and the proposed use of the information;
- a description of the likely respondents and proposed frequency of response to the collection of information;
- an estimate of the burden that shall result from the collection of information; and
- notice that comments may be submitted to the OMB.

Title: Safety Standard for Frame Child Carriers

Description: The proposed rule would require each frame child carrier to comply with ASTM F2549–14, *Standard Consumer Safety Specification for Frame Child Carriers*. Sections 8 and 9 of ASTM F2549–14 contain requirements for marking, labeling, and instructional literature. These requirements fall within the definition of ''collection of information,'' as defined in 44 U.S.C. 3502(3).

Description of Respondents: Persons who manufacture or import frame child carriers.

Estimated Burden: We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

16 CFR Section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
1230.2(a)	15	3	45	1	45

Estimates are based on the following: Section 8.1.1 of ASTM F2549–14 requires that the name and the place of business (city, state, and mailing address, including zip code) or telephone number of the manufacturer, distributor, or seller be marked clearly and legibly on each product and its retail package. Section 8.1.2 of ASTM F2549–14 requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture.

There are 15 known entities supplying frame child carriers to the U.S. market that might need to make some modifications to their existing labels. We estimate that the time required to make these modifications is about 1 hour per model. Based on an evaluation of supplier product lines, each entity supplies an average of three different models of frame child carriers;[8] therefore, the estimated burden associated with labels is 1 hour per model × 15 entities × 3 models per entity = 45 hours. We estimate the hourly compensation for the time required to create and update labels is $27.71 (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' September 2013, Table 9, total compensation for all sales and office workers in goods-producing private industries: *http://www.bls.gov/ncs/*). Therefore, the estimated annual cost to industry associated with the labeling requirements is $1,246.95 ($27.71 per hour × 45 hours = $1,246.95). There are no operating, maintenance, or capital costs associated with the collection.

Section 9.1 of ASTM F2549–14 requires instructions to be supplied with the product. Frame child carriers are complicated products that generally require use and assembly instructions. Under the OMB's regulations (5 CFR 1320.3(b)(2)), the time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the ''normal course of their activities'' are excluded from a burden estimate, where an agency demonstrates that the disclosure activities required to comply are ''usual and customary.'' Therefore, because we are unaware of frame child carriers that generally require use instructions, but lack such instructions, we tentatively estimate that there are no burden hours associated with section 9.1 of ASTM F2549–14 because any burden associated with supplying instructions with frame child carriers would be ''usual and customary'' and not within the definition of ''burden'' under the OMB's regulations.

Based on this analysis, the proposed standard for frame child carriers would impose a burden to industry of 45 hours at a cost of $1,246.95 annually.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted the information collection requirements of this rule to the OMB for review. Interested persons are requested to submit comments regarding information collection by June 16, 2014, to the Office of Information and Regulatory Affairs, OMB (see the **ADDRESSES** section at the beginning of this notice).

Pursuant to 44 U.S.C. 3506(c)(2)(A), we invite comments on:

[8] This number was derived during the market research phase of the initial regulatory flexibility analysis by dividing the total number of frame carriers supplied by all frame child carrier suppliers by the total number of frame child carrier suppliers.

• Whether the collection of information is necessary for the proper performance of the CPSC's functions, including whether the information will have practical utility;

• the accuracy of the CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• ways to enhance the quality, utility, and clarity of the information to be collected;

• ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and

• the estimated burden hours associated with label modification, including any alternative estimates.

XI. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that when a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA refers to the rules to be issued under that section as ''consumer product safety rules.'' Therefore, the preemption provision of section 26(a) of the CPSA would apply to a rule issued under section 104.

XII. Request for Comments

This NPR begins a rulemaking proceeding under section 104(b) of the CPSIA to issue a consumer product safety standard for frame child carriers, and to amend part 1112 to add frame child carriers to the list of children's product safety rules for which the CPSC has issued an NOR. We invite all interested persons to submit comments on any aspect of the proposed mandatory safety standard for frame child carriers and on the proposed amendment to part 1112. Specifically, the Commission requests comments on the costs of compliance with, and testing to, the proposed frame child carriers safety standard, the proposed six-month effective date for the new mandatory frame child carriers safety standard, and the amendment to part 1112.

Comments should be submitted in accordance with the instructions in the **ADDRESSES** section at the beginning of this notice.

List of Subjects

16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Reporting and recordkeeping requirements, Third party conformity assessment body.

16 CFR Part 1230

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, and Toys.

For the reasons discussed in the preamble, the Commission proposes to amend Title 16 of the Code of Federal Regulations as follows:

PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

■ 1. The authority citation for part 1112 continues to read as follows:

Authority: 15 U.S.C. 2063; Pub. L. 110–314, section 3, 122 Stat. 3016, 3017 (2008).

■ 2. Amend § 1112.15 by adding paragraph (b)(38) to read as follows:

§ 1112.15 When can a third party conformity assessment body apply for CPSC acceptance for a particular CPSC rule and/or test method?

* * * * *

(b) (38) 16 CFR part 1230, Safety Standard for Frame Child Carriers.

* * * * *

■ 3. Add part 1230 to read as follows:

PART 1230—SAFETY STANDARD FOR FRAME CHILD CARRIERS

Sec.
1230.1 Scope.
1230.2 Requirements for Frame Child Carriers.

Authority: The Consumer Product Safety Improvement Act of 2008, Pub. L. 110–314, § 104, 122 Stat. 3016 (August 14, 2008); Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

§ 1230.1 Scope.

This part establishes a consumer product safety standard for frame child carriers.

§ 1230.2 Requirements for Frame Child Carriers.

(a) Each frame child carrier must comply with all applicable provisions of ASTM F2549–14, Standard Consumer Safety Specification for Frame Child Carriers, approved on January 1, 2014. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org/cpsc.htm.* You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal regulations/ibr_locations.html.*

(b) Comply with ASTM F2549–14 standard with the following exception:

(1) Instead of complying with section 6.5 of ASTM F2549–14, comply with the following:

(i) 6.5 *Retention System:*

(A) 6.5.1 A retention system, including a shoulder restraint, shall be provided to secure the occupant in a seated position in any of the manufacturer's recommended use positions.

(B) 6.5.2 Before shipment, the manufacturer shall attach the retention system in such a manner that it will not detach in normal usage.

(C) 6.5.3 If the retention system includes a crotch restraint designed to work with a lap belt, it shall be designed such that its use is mandatory when the retention system is in use.

(D) 6.5.4 When tested in accordance with 7.5, the restraint system and its closing means (for example, a buckle) shall not break, disengage or separate at any seam and all fasteners shall not release or suffer damage that impairs the operation and function of the restraint system. At the end of the tests, the CAMI dummy shall not be released fully or fall out of the carrier.

(ii) [Reserved]

(2) [Reserved]

Dated: May 12, 2014.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2014–11193 Filed 5–15–14; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–141036–13]

RIN 1545–BL91

Minimum Essential Coverage and Other Rules Regarding the Shared Responsibility Payment for Individuals; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of a notice of public hearing on proposed rulemaking.

SUMMARY: This document cancels a public hearing on proposed regulations relating to the requirement to maintain minimum essential coverage enacted by the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, as amended by the TRICARE Affirmation Act and Public Law111–73.

DATES: The public hearing originally scheduled for May 21, 2014 at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Oluwafunmilayo Taylor of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration) at (202) 317–6901 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and a notice of public hearing that appeared in the **Federal Register** on Monday, January 27, 2014 (79 FR 4302) announced that a public hearing was scheduled for May 21, 2014, at 10 a.m. in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The subject of the public hearing is under section 5000A of the Internal Revenue Code.

The public comment period for these regulations expired on April 28, 2014. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of May 12, 2014, no one has requested to speak. Therefore, the public hearing scheduled for May 21, 2014 at 10 a.m. is cancelled.

Martin V. Franks,

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

[FR Doc. 2014–11414 Filed 5–15–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0296]

RIN 1625–AA87

Security Zone, Change of Enforcement Period, Chesapeake Bay; Between Sandy Point and Kent Island, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing a change to the enforcement period of a security zone regulation within the Baltimore COTP Zone. This regulation applies to a recurring event that takes place on the William P. Lane Jr. Memorial Bridges, across the Chesapeake Bay, between Sandy Point and Kent Island, MD. This action is necessary to protect persons and property, and prevent terrorist acts or incidents on navigable waters during the event. This rule prohibits vessels and people from entering the security zone and requires vessels and persons in the security zone to depart the security zone, unless specifically exempt under the provisions in this rule or granted specific permission from the Coast Guard Captain of the Port Baltimore.

DATES: Comments and related material must be received by the Coast Guard on or before June 16, 2014.

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

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

(2) *Fax:* 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ronald Houck, Sector Baltimore Waterways Management Division, Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@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–2014–0296] 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–2014–0296) 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

This rule involves the permanent change to the enforcement period for a security zone for an annually recurring event, described at 33 CFR 165.507, that is normally scheduled to occur each year on the first Sunday in May. However, due to the cancellation of the original event and start-up of a new, similar event to be held at a different time of year, the future such event is planned for the second Sunday in November. The event location and regulated area remain unchanged.

C. Basis and Purpose

The Ports and Waterways Safety Act gives the Coast Guard authority to create and enforce security zones. The Coast Guard has given each Coast Guard Captain of the Port the ability to implement comprehensive port security regimes designed to safeguard human life, vessels, and waterfront facilities while still sustaining the flow of commerce.

Chesapeake Bay Bridge Run, LLC of St Michaels, MD is sponsoring the ''Across the Bay 10k'' event on November 9, 2014 at 8 a.m. This 10-kilometer, 6.2 mile point-to-point running event in which runners will cross the William P. Lane Jr. Memorial Bridges (Chesapeake Bay Bridge). If necessary, due to inclement weather, the event will be rescheduled for the following Sunday, November 16, 2014. The sponsor anticipates that approximately 20,000 runners will participate and that the race is open to participants of various levels of fitness and physical abilities as long as they are able to complete the event at an average pace of 19 minutes/mile. The event is located above the Chesapeake Bay, between Sandy Point and Kent Island, MD, in close proximity to navigable waterways within the Captain of the Port's Area of Responsibility.

To protect persons and property, mitigate potential terrorist acts or incidents, and enhance public and maritime safety and security in order to safeguard life, property, and the environment on or near the navigable waters, the Coast Guard will temporarily restrict vessel traffic in the event area from 7 a.m. to 11 a.m. on November 9, 2014.

D. Discussion of Proposed Rule

The Coast Guard proposes to change the enforcement period of the security zone for a recurring event that is normally scheduled to occur annually on the first Sunday in May. This action is due to the cancellation of the original event and the start-up of a similar event scheduled to occur annually on the second Sunday in November. The event location and regulated area remain unchanged. This regulation applies to the security zone described at 33 CFR 165.507.

The regulation at 33 CFR 165.507 establishes the enforcement date for an event previously held on the William P. Lane Jr. Memorial Bridges, across the Chesapeake Bay, between Sandy Point and Kent Island, MD. This regulation permanently changes the date and time for a new event being held annually. The date is changed to annually on the second Sunday in November, and if necessary due to inclement weather, on the third Sunday in November. The security zone will be enforced from 7 a.m. to 11 a.m., and will restrict general navigation in the regulated area during the event. The regulation at 33 CFR 165.507 will be enforced for the duration of the event. This regulation is needed to protect persons and property, and prevent terrorist acts or incidents on navigable waters during the event.

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.

Although this regulation would restrict access to this area, the effect of this proposed rule will not be significant because: the security zone will only be in effect annually on the second Sunday in November from 7 a.m. through 11 a.m., and if necessary due to inclement weather, on the third Sunday in November from 7 a.m. through 11 a.m., and the Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly, and will continue such advisories on the status of the security zone until the completion of the event.

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 will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to operate or transit through or within, or anchor in, the security zone during the enforcement period. This proposed security zone will not have a significant economic impact on a substantial number of small entities for the reasons

provided under Regulatory Planning and Review.

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

■ 2. Revise § 165.507 paragraph (e) to read as follows:

§ 165.507 Security Zone; Chesapeake Bay, between Sandy Point and Kent Island, MD.

* * * * *

(e) *Enforcement period.* This section will be enforced annually on the second Sunday in November from 7 a.m. to 11 a.m., and if necessary due to inclement weather, on the third Sunday in November from 7 a.m. to 11 a.m.

Dated: April 24, 2014.

Kevin C. Kiefer,

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

[FR Doc. 2014–11401 Filed 5–15–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0268; FRL–9910–49–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Update of the Motor Vehicle Emissions Budgets for the Allentown-Bethlehem-Easton 1997 8-Hour Ozone National Ambient Air Quality Standard Maintenance Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Commonwealth of Pennsylvania's (Pennsylvania) State Implementation Plan (SIP). The revisions consist of an update to the SIP approved Motor Vehicle Emissions Budgets (MVEBs) for nitrogen oxides (NO_X) for the 1997 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) SIP for the Allentown-Bethlehem-Easton 1997 8-Hour Ozone NAAQS Maintenance Area (Allentown Maintenance Area). Also, part of this SIP revision is an update to the point source inventory for NO_X. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by June 16, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0268 by one of the following methods:

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

B. *Email: fernandez.cristina@epa.gov*.

C. *Mail:* EPA–R03–OAR–2014–0268, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0268. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Asrah Khadr, (215) 814–2071, or by email at *khadr.asrah@epa.gov*.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: April 25, 2014.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2014–10696 Filed 5–15–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 385, 386, 390, and 395

[Docket No. FMCSA–2010–0167]

RIN 2126–AB20

Electronic Logging Devices and Hours of Service Supporting Documents

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Supplemental notice of proposed rulemaking; extension of comment period.

SUMMARY: FMCSA extends the public comment period for the Agency's March 28, 2014, supplemental notice of proposed rulemaking (SNPRM) concerning the Electronic Logging Devices (ELD) and Hours of Service Supporting Documents rulemaking.

DATES: FMCSA is extending the comment period for the supplemental notice of proposed rulemaking published on March 28, 2014 (79 FR 17656). You must submit comments by June 26, 2014.

ADDRESSES: You may submit comments, identified by docket number FMCSA–2010–0167 or RIN 2126–AB20, 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: Ms. Deborah M. Freund, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001 or by telephone at 202–366–5370.

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–2010–0167'' 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–2010–0167'' 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 March 28, 2014, FMCSA published an SNPRM (79 FR 17656). This SNPRM included a proposal that would improve commercial motor vehicle (CMV) safety and reduce the overall paperwork burden for both motor carriers and drivers by increasing the use of ELDs within the motor carrier industry, which would in turn improve compliance with the applicable Hours of Service (HOS) rules. Specifically, this rule proposed to: (1) Require new technical specifications for ELDs that address statutory requirements; (2) mandate ELDs for drivers currently using record of duty status; (3) clarify supporting document requirements so that motor carriers and drivers can comply efficiently with HOS regulations, and so that motor carriers can make the best use of ELDs and related support systems as their primary means of recording HOS information and ensure HOS compliance; and (4) adopt procedural and technical provisions aimed at ensuring that ELDs are not used to harass vehicle operators.

On May 7, 2014 the Commercial Vehicle Safety Alliance (CVSA) requested the Agency for an extension of the comment period for the SNPRM. A copy of the request is included in the docket as comment FMCSA–2010–0167–0858 (available at: *http://www.regulations.gov/#!documentDetail;D=FMCSA-2010-0167-0858*). CVSA believes that due to the complexity and significance of the rulemaking, including the new technical standards, the public comment period should be extended by 30 days.

The FMCSA acknowledges CVSA's concerns. After reviewing the request, FMCSA has decided to grant a 30-day extension, to June 26, to provide all interested parties additional time to submit comments on this rulemaking.

Issued on: May 12, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–11244 Filed 5–15–14; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register
Vol. 79, No. 95
Friday, May 16, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Notice of Public Meeting of the Assembly of the Administrative Conference of the United States

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (5 U.S.C. App.), the Assembly of the Administrative Conference of the United States will hold a meeting to consider four proposed recommendations and to conduct other business. This meeting will be open to the public.

DATES: The meeting will take place on Thursday, June 5, 2014, 2:00 p.m. to 6:00 p.m., and on Friday, June 6, 2014, 9:00 a.m. to 12:15 p.m. The meeting may adjourn early if all business is finished.

ADDRESSES: The meeting will be held at the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581 (Main Conference Room).

FOR FURTHER INFORMATION CONTACT: Shawne McGibbon, General Counsel (Designated Federal Officer), Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW., Washington, DC 20036; Telephone 202–480–2088; email *smcgibbon@acus.gov.*

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States makes recommendations to federal agencies, the President, Congress, and the Judicial Conference of the United States regarding the improvement of administrative procedures (5 U.S.C. 594). The membership of the Conference, when meeting in plenary session, constitutes the Assembly of the Conference (5 U.S.C. 595).

Agenda: The Assembly will discuss and consider four recommendations as described below:

- *Resolving FOIA Disputes Through Targeted ADR Strategies.* The OPEN Government Act of 2007 created the Office of Government Information Services (OGIS), a part of the National Archives and Records Administration, to assist in the resolution of disputes arising under the Freedom of Information Act (FOIA). This proposed recommendation suggests ways that OGIS can maximize the effectiveness of its resources to help requesters and agencies resolve FOIA disputes through the use of mediation and other alternatives to litigation. The recommendation also suggests steps that agencies can take to prevent or resolve FOIA disputes, including making FOIA staff and requesters aware of OGIS services and engaging with OGIS and requesters to aid in the resolution of requests.
- *Government in the Sunshine Act.* This proposed recommendation highlights a set of best practices designed to enhance transparency of decisionmaking at multi-member boards and commissions subject to the Government in the Sunshine Act. Among other things, it urges covered agencies to provide a description of the primary mechanisms for conducting business, describe substantive business disposed of outside of open meetings subject to the Act (with appropriate protections for information made exempt from disclosure), and exploit new technologies to disseminate relevant information more broadly.
- *Guidance in the Rulemaking Process.* This proposed recommendation identifies a set of best practices for agencies to follow when providing guidance in preambles to final rules. It is aimed at addressing a number of issues regarding agencies' current practices by suggesting ways to improve the drafting and presentation of preambles to final rules. The recommendation also suggests ways agencies can make it easier to identify the guidance provided in these preambles and urges agencies to ensure that small entity compliance guides posted on their Web sites can be easily located.
- *Ex Parte Communications in Informal Rulemaking.* This proposed recommendation identifies procedures and best practices for managing written and oral communications that may occur between an agency and interested persons, often referred to as ''ex parte'' communications, regarding the substance of an anticipated or ongoing informal rulemaking proceeding, which are not placed in the docket at the time they occur. The recommendation reaffirms, and builds on, the principles embodied in the Conference's recommendation on the same subject adopted in 1977 (Recommendation 77–3).

Additional information about the proposed recommendations and the order of the agenda, as well as other materials related to the meeting, can be found at the 60th Plenary Session page on the Conference's Web site: (*http://www.acus.gov/meetings-and-events/plenary-meeting/60th-plenary-session*).

Public Participation: The Conference welcomes the attendance of the public at the meeting, subject to space limitations, and will make every effort to accommodate persons with disabilities or special needs. Members of the public who wish to attend in person are asked to RSVP online at the 60th Plenary Session Web page listed above, no later than two days before the meeting, in order to facilitate entry. Members of the public who attend the meeting may be permitted to speak only with the consent of the Chairman and the unanimous approval of the members of the Assembly. If you need special accommodations due to disability, please inform the Designated Federal Officer noted above at least 7 days in advance of the meeting. The public may also view the meeting through a live webcast, which will be available at: *http://acus.granicus.com/ViewPublisher.php?view_id=2.* In addition, the public may follow the meeting on our Twitter feed *@acusgov* or hashtag *#60thPlenary.*

Written Comments: Persons who wish to comment on any of the proposed recommendations may do so by submitting a written statement either online by clicking ''Submit a Comment'' on the 60th Plenary Session Web page listed above or by mail addressed to: June 2014 Plenary Session Comments, Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW., Washington, DC 20036. Written submissions must be received

no later than Friday, May 23 to assure consideration by the Assembly.

Dated: May 13, 2014.

Shawne McGibbon,

General Counsel.

[FR Doc. 2014–11350 Filed 5–15–14; 8:45 am]

BILLING CODE 6110–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0019]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Gypsy Moth Identification Worksheet and Checklist

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the gypsy moth program.

DATES: We will consider all comments that we receive on or before July 15, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0019*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0019, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0019* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the gypsy moth program, contact Mr. Paul Chaloux, National Policy Manager, PHP, PPQ, APHIS, 4700 River Road Unit 137, Riverdale, MD 20737; (301) 851–2064. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: Gypsy Moth Identification Worksheet and Checklist.

OMB Control Number: 0579–0104.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the U.S. Department of Agriculture (USDA), 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 new to the United States or not widely distributed throughout the United States. The USDA's Animal and Plant Health Inspection Service (APHIS) is the delegated authority to carry out this mission.

As part of the mission, APHIS' Plant Protection and Quarantine (PPQ) program engages in detection surveys to monitor for the presence of, among other things, the European gypsy moth and the Asian gypsy moth. The European gypsy moth is one of the most destructive pests of fruit and ornamental trees as well as hardwood forests. First introduced into the United States in Medford, MA, in 1869, the European gypsy moth has gradually spread to infest the entire northeastern portion of the country. The gypsy moth regulations can be found in 7 CFR 301.45 through 301.45–12.

Heavily infested European gypsy moth areas are inundated with actively crawling larvae that cover trees, fences, vehicles, and houses during their search for food. Entire areas may be stripped of all foliage, often resulting in heavy damage to trees. The damage can have long-lasting effects, depriving wildlife of food and shelter, and severely limiting the recreational value of forested areas.

The Asian gypsy moth is an exotic strain of gypsy moth that is closely related to the European variety already established in the United States. While the Asian gypsy moth has been introduced into the United States on several occasions, it is currently not established in the United States. However, due to behavioral differences, the Asian gypsy moth is considered to pose an even greater threat to trees and forested areas than the European gypsy moth.

Unlike the flightless European gypsy moth female adult, the Asian gypsy moth female adult is capable of strong directed flight between mating and egg deposition, significantly increasing its ability to spread over a much greater area and become widely established within a short time. In addition, Asian gypsy moth larvae feed on a much wider variety of hosts, allowing them to exploit more areas and cause more damage than the European gypsy moth.

To determine the presence and extent of a European gypsy moth or an Asian gypsy moth infestation, APHIS sets traps in high-risk areas to collect specimens. Once an infestation is identified, control and eradication work (usually involving State cooperation) is initiated to eliminate the moths.

APHIS personnel, with assistance from State agriculture personnel, check traps for the presence of gypsy moths. If a suspicious moth is found in the trap, it is sent to APHIS laboratories at the Otis Methods Development Center in Massachusetts so that it can be correctly identified through DNA analysis. DNA analysis is the only way to accurately identify these insects because the European gypsy moth and the Asian gypsy moth are strains of the same species, and they cannot be visually distinguished from each other.

The PPQ or State employee submitting the moth for analysis must complete a gypsy moth identification worksheet (PPQ Form 305), which accompanies the insect to the laboratory. The worksheet enables Federal and State regulatory officials to identify and track specific specimens through the DNA identification tests that are conducted. In addition, the information provided by the gypsy moth identification worksheets is vital to APHIS' ability to monitor, detect, and eradicate gypsy moth infestations.

The gypsy moth regulations (§ 301.45–4(a)) also require the inspection of outdoor household articles that are to be moved from a gypsy moth quarantined area to a non-quarantined area to ensure that they are free of all life stages of gypsy moth. Individuals may use a self-inspection checklist that can be found in the USDA–APHIS Program Aid Number 2147, ''It's the Law; Before Moving, Check For Gypsy Moth.'' These inspections can also be performed by a qualified certified applicator. The completed checklist must be signed by the person who performed the inspection and must be kept in the vehicle used to move the outdoor household articles in the event that USDA or State officials request it during the movement of the articles. In addition, it is recommended that individuals maintain a copy of the signed checklist for at least 5 years.

The information collection activity for the completion of PPQ Form 305 was previously approved by the Office of Management and Budget (OMB) under control number 0579–0104. However, when comparing the regulations with the information collection activity, we found that the self-inspection checklist was omitted from previous information collections. By adding this information collection activity, there will be an increase in the estimate of burden from 0.17 hours to 0.999 hours and an increase in the estimated annual number of respondents from 120 to 200,000. The estimated annual number of responses and the estimated total annual burden on respondents have also increased from 240 and 41 hours to 200,240 and 200,041 hours, respectively. In addition, we have revised the name of this collection to reflect the addition of the self-inspection checklist.

We are asking OMB to approve these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.999 hours per response.

Respondents: Qualified certified applicators or other individuals who complete the self-inspection checklist, and State cooperators.

Estimated annual number of respondents: 200,000.

Estimated annual number of responses per respondent: 1.0012.

Estimated annual number of responses: 200,240.

Estimated total annual burden on respondents: 200,041 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 12th day of May 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–11273 Filed 5–15–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0025]

Notice of Request for Approval of an Information Collection; Information Technology Account Management

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: New information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's (APHIS') intention to request approval of a new information collection for information technology account management to ensure the security of APHIS systems from unauthorized access.

DATES: We will consider all comments that we receive on or before July 15, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0025.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0025, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0025* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on information technology account management, contact Mr. Rajiv Sharma, ISSPM, ITD, ISB, MRPBS, APHIS, 4700 River Road, Unit 102, Riverdale, MD 20737; (301) 851–2551. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: Information Technology Account Management.

OMB Control Number: 0579–XXXX.

Type of Request: Approval of a new information collection.

Abstract: The Federal Information Security Management Act of 2002 requires implementation of account management using the National Institute of Standards and Technology (NIST) criteria and guidelines to protect Federal systems from unauthorized access by employees, contractors, and cooperators who may or may not be paid by the Federal Government.

In accordance with the NIST Special Publication 800–53 (Revision 3) titled ''Recommended Security Controls for Federal Information Systems and Organizations,'' account management control has two key requirements. These requirements are agency approval of requests for establishing accounts and regular review of these accounts by the agency.

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) collects and maintains information to meet the NIST requirements, and within APHIS, the authority to meet these requirements has been delegated to information technology system owners and/or system administrators. Information that is required to meet the NIST requirements includes the name of the person requesting access; access privileges or type of access needed (read, write, and/or edit); the name of the person's organization or company, if applicable; the contact information of the person requesting access, such as work telephone number and work email address; equipment or device type, such as personal computer or laptop, if non-APHIS equipment or device is used; the equipment operating system; installed antivirus and antispyware software; and the date access requests are approved. This information is collected using information collection activities, including APHIS Form 513 or digital equivalent (APHIS User Account Control Form), APHIS Form 514 or digital equivalent (APHIS Data Center Access Control Form), and APHIS Form

516 or digital equivalent (APHIS Remote Access Control Form).

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.0847 hours per response.

Respondents: APHIS contractors, partners, and other stakeholders.

Estimated annual number of respondents: 236.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 236.

Estimated total annual burden on respondents: 20 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 12th day of May 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–11272 Filed 5–15–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0035]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Pine Shoot Beetle Host Material From Canada

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the importation of pine nursery stock and various pine products from Canada to prevent the spread of pine shoot beetle into noninfested areas of the United States.

DATES: We will consider all comments that we receive on or before July 15, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0035*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0035, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0035* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the importation of pine nursery stock and various pine products from Canada, contact Mr. David Lamb, Senior Regulatory Policy Specialist, RCC, RPM, PHP, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 851–2103. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: Importation of Pine Shoot Beetle Host Material From Canada.

OMB Control Number: 0579–0257.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States.

As authorized by the PPA, the Animal and Plant Health Inspection Service (APHIS) regulates the importation of plants for planting into the United States from certain parts of the world as provided in ''Subpart—Plants for Planting'' (7 CFR 319.37 through 319.37–14). This subpart restricts, among other things, the importation of living plants, plant parts, and seeds for propagation. In addition, APHIS regulates the importation of lumber and other wood articles as provided in ''Subpart—Logs, Lumber, and Other Wood Articles'' (7 CFR 319.40–1 through 319.40–11). This subpart lists requirements for the importation of various logs, lumber, and other unmanufactured wood products into the United States. Both subparts contain regulations that help prevent the introduction and spread of pine shoot beetle (*Tomicuc piniperda*), a pest of pine trees, into noninfested areas of the United States and contain several information collection requirements, including phytosanitary certificates with an additional declaration, statements of origin and movement, and compliance agreements.

These information collection requirements were previously approved by the Office of Management and Budget (OMB) under OMB control number 0579–0257, and under the title of ''Pine Shoot Beetle; Host Material From Canada.'' For clarity, we have revised the name of this collection to ''Importation of Pine Shoot Beetle Host Material From Canada.''

We are asking OMB to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.0402 hours per response.

Respondents: Christmas tree industry, nursery industry, and the national plant protection organization of Canada.

Estimated annual number of respondents: 2,340.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 2,340.

Estimated total annual burden on respondents: 94 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 12th day of May 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–11277 Filed 5–15–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0030]

Secretary's Advisory Committee on Animal Health; Intent To Renew

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of intent.

SUMMARY: We are giving notice that the Secretary of Agriculture intends to renew the charter for the Secretary's Advisory Committee on Animal Health for a 2-year period. The Secretary has determined that the Committee is necessary and in the public interest.

FOR FURTHER INFORMATION CONTACT: Mrs. R.J. Cabrera, Designated Federal Officer, VS, APHIS, 4700 River Road, Unit 34, Riverdale, MD 20737; (301) 851–3478.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA, 5 U.S.C. App.), notice is hereby given that the Secretary of Agriculture intends to renew the Secretary's Advisory Committee on Animal Health (the Committee) for 2 years. The term for the renewed charter will extend from August 23, 2014, to August 22, 2016.

The Committee advises the Secretary on strategies, policies, and programs to prevent, control, or eradicate animal diseases. The Committee considers agricultural initiatives of national scope and significance and advises on matters of public health, conservation of national resources, stability of livestock economies, livestock disease management and traceability strategies, prioritizing animal health imperatives, and other related aspects of agriculture. The Committee Chairperson and Vice Chairperson are elected by the Committee from among its members.

Done in Washington, DC, this 12th day of May 2014.

Malcolm A. Shorter,

Acting Assistant Secretary for Administration.

[FR Doc. 2014–11271 Filed 5–15–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0031]

Secretary's Advisory Committee on Animal Health; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: This is a notice to inform the public of an upcoming meeting of the Secretary's Advisory Committee on Animal Health. The meeting is being organized by the Animal and Plant Health Inspection Service to discuss matters of animal health.

DATES: The meeting will be held on June 18 and 19, 2014, from 9 a.m. to 5 p.m. each day.

ADDRESSES: The meeting will be held at the United States Access Board Conference Room, 1331 F Street NW., Suite 800, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Mrs. R.J. Cabrera, Designated Federal Officer, VS, APHIS, 4700 River Road Unit 34, Riverdale, MD 20737.

SUPPLEMENTARY INFORMATION: The Secretary's Advisory Committee on Animal Health (the Committee) advises the Secretary of Agriculture on matters of animal health, including means to prevent, conduct surveillance on, monitor, control, or eradicate animal diseases of national importance. In doing so, the Committee will consider public health, conservation of natural resources, and the stability of livestock economies.

Tentative topics for discussion at the upcoming meeting include:

- United States and U.S. Department of Agriculture antimicrobial resistance efforts.
- Animal and Plant Health Inspection Service (APHIS) nonregulatory approaches.
- Filling gaps in foreign animal disease (FAD)/emerging pathogen preparedness.
- Emergency management and assessing foot-and-mouth disease preparedness.
- Animal disease traceability follow-up: Progress and challenges with implementation.
- Trade/regionalization review of the United States and Canada Regulatory Cooperation Council (RCC) bilateral recognition of zoning for FADs (RCC Action Plan and the FAD zoning work plan).

APHIS, which is organizing the meeting, asks that those planning to attend the meeting inform APHIS by registering in advance. To register, visit the Committee's Web site at *http://www.aphis.usda.gov/animalhealth/sacah/* and click on ''Register for a Meeting.'' Attendees should be prepared to provide picture identification and sign the visitor log at the lobby concierge before proceeding to the United States Access Board conference room. Persons attending meetings at the Access Board are asked to refrain from using perfume, cologne, and other fragrances (see *http://www.access-board.gov/the-board/policies/fragrance-free-environment* for more information).

Other Public Participation

Members of the public may also join the meeting via teleconference in ''listen-only'' mode. Participants who wish to listen in on the teleconference may do so by dialing 1–800–619–4303, followed by a public passcode, 9564942.

This notice of the meeting agenda is given pursuant to section 10 of the Federal Advisory Committee Act (5 U.S.C. App. 2).

Done in Washington, DC, this 12th day of May 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–11275 Filed 5–15–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2014–0012]

Notice of Request for an Extension of Approval of an Information Collection: Qualitative Feedback on Agency Service Delivery

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food Safety and Inspection Service's intention to request an extension of approval of an information collection associated with qualitative customer and stakeholder feedback on service delivery by the Food Safety and Inspection Service. The Office of Management and Budget prepared and published the first notice for comments on the original information collection.

DATES: June 16, 2014.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Room Manager, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163B, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E. Street SW., Room 8–163B, Washington, DC 20250–3700

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2014–0012. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E. Street SW., Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW., Room 6067, South Building, Washington, DC 20250; Telephone: (202)690–6510.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The proposed information collection activity provides a means for the Food Safety and Inspection Service (FSIS) to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Agency's commitment to improving service delivery.

By qualitative feedback, we mean information that provides useful insights on perceptions and opinions but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning of issues with service; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. This collection will allow for ongoing, collaborative, and actionable communications between 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.

FSIS will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;
- The collection is non-controversial and does not raise issues of concern to other Federal agencies;
- The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of FSIS (if released, FSIS must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collection will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance.

As a general matter, this information collection will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

FSIS currently has approval from the Office of Management and Budget (OMB) for this information collection. This approval is for 2,700 burden hours, based on our initial request to OMB in April 2011. We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.25 hours per response.

Respondents: Individuals and households; businesses and organizations; State, local, or Tribal government.

Estimated annual number of respondents: 18,760.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 18,760.

Estimated total annual burden on respondents: 27,000 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Copies of this information collection assessment can be obtained from Gina Kouba, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW., Room 6077, South Building, Washington, DC 20250; Telephone: (202) 690–6510.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/federal-register*. FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/subscribe*. Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call (202) 720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Done at Washington, DC on: May 9, 2014.

Alfred V. Almanza,

Administrator.

[FR Doc. 2014–11346 Filed 5–15–14; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Central Montana Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Central Montana Resource Advisory Committee will meet in Stanford, Montana. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Title II of the Act. The meeting is open to the public. The purpose of the meeting is to select projects for implementation.

DATES: The meetings will be held on the following dates and times:

- Tuesday, June 24, 2014 at 7:00 p.m.
- Tuesday, July 22, 2014 at 7:00 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 meetings will be held at the Judith Ranger District, 109 Central Avenue, Stanford, Montana 59479. 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 the Judith Ranger District. To facilitate entry into the building to view comments, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Ron B.Wiseman, District Ranger, Lewis and Clark National Forest, by phone at 406–566–2292, or via email at *rwiseman@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.

SUPPLEMENTARY INFORMATION: The following business will be conducted: (1) Discussion and approval of RAC notes, project guidelines, criteria, (2) Discussion of project development and recommendation process, and (3) Review and vote on projects. 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. 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 June 17, 2014 and July 15, 2014 to be scheduled on the agenda. Written comments and requests for time for oral comments must be sent to Ron B. Wisman, Judith Ranger District, 109 Central Avenue., Stanford, Montana 59479, by email *at rwiseman@fs.fed.us,* or via facsimile at 406- 566–2408.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: May 5, 2014.

Ron B. Wiseman,

District Ranger.

[FR Doc. 2014–11320 Filed 5–15–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Approval To Revise and Extend an Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intent of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Livestock Slaughter Survey. Revision to burden hours may be needed due to changes in the size of the target population, sampling design, and/or questionnaire length.

DATES: Comments on this notice must be received by July 15, 2014 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0005, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *eFax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: NASS Clearance Officer, U.S. Department of Agriculture, Room 5336A, Mail Stop 2024, South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to NASS Clearance Officer, U.S. Department of Agriculture, Room 5336A, South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Joseph T. Reilly, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690–2388 or at *ombofficer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Livestock Slaughter Survey.

OMB Control Number: 0535–0005.

Approval Expires: October 31, 2014.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production, prices, and disposition as well as economic statistics, farm numbers, land values, on-farm pesticide usage, pest crop management practices, as well as the Census of Agriculture. Livestock slaughter data are used to estimate U.S. red meat production and reconcile inventory estimates which provide producers and the rest of the industry with current and future information on market supplies. This data is also used in preparing production, disposition, and income statistics which facilitate more orderly production, marketing, and processing of livestock and livestock products.

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 Pub. L. 104–13 (44 U.S.C. 3501, et seq.) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: The Livestock Slaughter Survey includes a weekly survey of 900 Federally Inspected (FI) slaughter facilities, a monthly survey of 900 state inspected slaughter facilities, and monthly/quarterly surveys of approximately 1,100 Non-Federally Inspected (NFI) slaughter facilities. Public reporting burden for this collection of information is estimated to average 10 to 15 minutes per response for an estimated annual burden of 1,687 hours. (The federal and state inspectors are not included in the calculation of total burden, since they are performing this task as a part of their job functions.)

Respondents: Farmers, USDA inspectors, and custom/state inspected slaughter plants.

Estimated Number of Respondents: 1,100.

Estimated Total Annual Burden on Respondents: 1,687 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods. All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, May 6, 2014.

Joseph T. Reilly,

Administrator.

[FR Doc. 2014–11278 Filed 5–15–14; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Progress Report: Cooperative Minimization of the Incidental Catch of Pacific Halibut.

OMB Control Number: 0648–xxxx.

Form Number(s): NA.

Type of Request: Regular submission (request for a new information collection).

Number of Respondents: 6.

Average Hours per Response: 5 hours.

Burden Hours: 30.

Needs and Uses: This request is for a new information collection.

The North Pacific Fisheries Management Council (Council) passed a

motion in February 2014 requesting that each sector in the Bering Sea and Aleutian Islands Management Area (BSAI) groundfish fisheries voluntarily provide a report to the Council on progress for implementing measures in their cooperative and inter-cooperative agreements to minimize the incidental catch of halibut. These progress reports are to be provided to the Council at its June 2014 meeting.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov. Follow the instructions to review Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or faxed to (202) 395–5806.

Dated: May 13, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–11375 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Office of the Secretary

Proposed Information Collection; Comment Request; Complaint of Discrimination Based on Sexual Orientation Against the U.S. Department of Commerce

AGENCY: Office of the Secretary, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, 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.

DATES: Written comments must be submitted on or before July 15, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kathryn Anderson, (202) 482–3680, or *KAnderson@doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Pursuant to Executive Order 11478 and Department of Commerce Administrative Order (DAO) 215–11, an employee or applicant for employment with the Department of Commerce who alleges that he or she has been subjected to discriminatory treatment based on sexual orientation by the Department of Commerce or one of its sub-agencies, must submit a signed statement that is sufficiently precise to identify the actions or practices that form the basis of the complaint.

The complainant is also required to provide an address and telephone number where the complainant or his or her representative may be contacted. Through use of the standardized form (CD–545), the Office of Civil Rights proposes to collect the information required by the Executive Order and DAO in a uniform manner that will increase the efficiency of complaint processing and trend analyses of complaint activity.

II. Method of Collection

A paper form, signed by the complainant or his/her designated representative, must be submitted by mail or delivery service, in person, or by facsimile transmission.

III. Data

OMB Control Number: 0690–0024.

Form Number: CD–545.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 20.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 10.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 12, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–11245 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–BP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Certain Pasta From Italy: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: On August 10, 2012, the Department of Commerce (''Department'') initiated a changed circumstances review of the antidumping duty order on certain pasta from Italy in order to determine whether Delverde Industrie Ailimentari S.p.A. (''Delverde'') is the successor-in-interest to Del Verde S.p.A., a company excluded from the order.[1] We preliminarily determine that Delverde is not the successor-in-interest to Del Verde S.p.A. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* May 16, 2014.

FOR FURTHER INFORMATION CONTACT: James Terpstra, Office III, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3965.

SUPPLEMENTARY INFORMATION:

Background

On July 24, 1996, the Department published in the **Federal Register** the antidumping duty order on pasta from

[1] *See Certain Pasta from Italy: Notice of Initiation of the Antidumping Duty Changed Circumstances Review,* 77 FR 47816 (May 10, 2012) (''*Initiation Notice*'').

Italy.[2] Pursuant to a decision by the Court of International Trade, the Department determined that Del Verde S.p.A. had a *de minimis* dumping margin and should be excluded Del Verde S.p.A. from the order.[3]

On July 18, 2012, Delverde requested a changed circumstances review. On August 10, 2012 the Department initiated this review.[4] On August 16, 2012, the Department requested additional information from Delverde, which was submitted on September 20, 2012 (''Supplemental Response'').

On October, 31, 2012, and November 29, 2012, Petitioners [5] submitted comments on this review. On December 14, 2012, the Department requested additional information from Delverde, which was provided, in part, on January 18, 2013, and after an extension granted, the remainder was submitted on March 5, 2013 (''Second Supplemental Response'').

On February 25, 2013, Petitioners submitted additional comments. On March 12, 2013, the Department requested additional information from Delverde, which was provided on March 26, 2013 (''Third Supplemental Response'').

Scope of the Order

Imports covered by this order are shipments of certain non-egg dry pasta in packages of five pounds four ounces or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastasis, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of this order are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Also excluded are imports of organic pasta from Italy that are certified by a European Union (''EU'') authorized body and accompanied by a National Organic Program import certificate for organic products.[6] Effective July 1, 2008, gluten free pasta is also excluded from this order.[7]

The merchandise subject to this order is currently classifiable under items 1902.19.20 and 1901.90.9095 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Preliminary Results of Changed Circumstances Review

In this changed circumstances review, pursuant to section 751(b) of the Tariff Act of 1930, as amended (''the Act''), the Department conducted a successor-in-interest analysis. In making such a successor-in-interest determination, the Department examines several factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base.[8] While no one or several of these factors will necessarily provide a dispositive indication, the Department will generally consider the new company to be the successor to the previous company if its resulting operation is not materially dissimilar to that of its predecessor.[9] Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the former company, the Department will assign the new company the cash deposit rate of its predecessor.[10]

Delverde explained that in 2005, Del Verde S.p.A. became insolvent and entered bankruptcy; the company's assets (such as production facilities and trademark) were subsequently purchased by a newly formed company, Delverde, owned by Faro S.r.L. (''Faro''), an Italian turnaround investment fund which made a number of investments and changes to the company (discussed below). From 2006 through 2009, Delverde was in operation, and Faro described this as the ''Re-Launch'' period. Between 2008 and 2010, Molinos Rio De La Plata S.A. (''Molinos''), a large Argentinian food company, purchased and assumed full control of Delverde.

In conducting a successor-in-interest analysis, while we generally consider information from immediately before and after the formation of a new entity, the Department considers all information on the record relevant to the determination.[11] In the instant case, we analyzed the effect that the bankruptcy had on the company and the changes to the management, production facilities, supplier relationships, and customer base that occurred as a result of the bankruptcy and liquidation of Del Verde S.p.A and its change of ownership in 2005.

First, we find that there are four critical aspects of the bankruptcy: (1) The court found that because Del Verde S.p.A.'s losses ''had completely wiped out the company's stated capital,'' and because its shareholders were unable to make shareholders decisions since June 8, 2004, Del Verde S.p.A., (*i.e.,* the legal entity that was excluded from this antidumping duty order) was deprived of ''the ability to operate,'' which provided ''grounds for dissolution of the company;'' [12] (2) Faro acquired Del Verde S.p.A.'s production facility and trademark, and the sale was approved by the bankruptcy judge on October 13, 2005; [13] (3) the owners of Delverde are different from the owners of Del Verde S.p.A.; [14] (4) the operations of Del Verde S.p.A. ceased, and another legal entity produced and sold pasta under the name of Delverde Industrie Alimentari, S.p.A. [15]

[2] *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta From Italy,* 61 FR 38547 (July 24, 1996); *see also Notice of Second Amendment to the Final Determination and Antidumping Duty Order: Certain Pasta From Italy;* 61 FR 42231 (August 14, 1996).

[3] *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision and Revocation in Part: Certain Pasta from Italy,* 66 FR 65889 (December 21, 2001).

[4] *See Initiation Notice.*

[5] Petitioners are New World Pasta Company, Dakota Growers Pasta Company, and American Italian Pasta Company.

[6] On October 10, 2012, the Department revised the ''Scope of the Order'' to recognize the EU-authorized Italian agents for purposes of the antidumping and countervailing duty orders on pasta from Italy. *See* Memorandum from Yasmin Nair to Susan Kuhbach, titled ''Recognition of EU Organic Certifying Agents for Certifying Organic Pasta from Italy,'' dated October 10, 2012, which is on file in the Department's Central Records Unit.

[7] *See Certain Pasta from Italy: Notice of Final Results of Antidumping Duty Changed Circumstances Review and Revocation, in Part,* 74 FR 41120 (August 14, 2009).

[8] *See, e.g., Pressure Sensitive Plastic Tape from Italy: Preliminary Results of Antidumping Duty Changed Circumstances Review,* 75 FR 8925 (February 26, 2010), unchanged in *Pressure Sensitive Plastic Tape From Italy: Final Results of Antidumping Duty Changed Circumstances Review,* 75 FR 27706 (May 18, 2010); and *Brake Rotors From the People's Republic of China: Final Results of Changed Circumstances Antidumping Duty Administrative Review,* 70 FR 69941 (November 18, 2005) (*Brake Rotors*), citing *Brass Sheet and Strip from Canada: Final Results of Antidumping Duty Administrative Review,* 57 FR 20460 (May 13, 1992).

[9] *See, e.g., Brake Rotors.*

[10] *See id.; see also, e.g., Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp From India,* 77 FR 64953 (October 24, 2012), unchanged in *Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp From India,* 77 FR 73619 (December 11, 2012).

[11] *See, e.g., Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results and Termination, in part, of the Antidumping Duty Changed Circumstance Review,* 76 FR 64898 (October 19, 2011).

[12] *See* Second Supplemental Response, at 2.

[13] *See* Changed Circumstance Request, at 3.

[14] *See id.*

[15] *See* Second Supplemental Response, at 2.

With respect to the management, we find that there were several important changes to management as a result of the bankruptcy and change in ownership in 2005. Delverde states that Faro ''. . . added top-level executive supervisors'' and installed ''top executive managers in a few key positions.'' [16] While Delverde characterizes these changes as minor, we find that these were significant changes in the top level management.[17] We also find that there were significant changes to Delverde's suppliers as a result of the bankruptcy and change in ownership, though we do not find that there were significant changes to Delverde's customers or production facilities immediately following the bankruptcy. However, we find that the bankruptcy resulted in a significant change to the company because (1) the company Delverde S.p.A. effectively ceased to exist as a commercial entity; and (2) the company that purchased the existing assets, Faro, took extensive measures to ''relaunch'' or ''restart'' the pasta business that used to be Delverde S.p.A.; and (3) although the pasta factory and the Delverde brand name were constant elements through the history of these entities, the magnitude of the changes, as discussed above and in the ''Prelim Memo'' as a result of the bankruptcy and change in ownership reflect the creation of a new entity. For example, Faro's investments in the factory totaled approximately 2.8 million Euros, and affected machinery, plant facilities, and laboratory equipment. These investments were made to restart operations, improve productive and administrative efficiency, and to upgrade product quality.[18] Therefore, we preliminarily find that the record evidence does not support Delverde's claim that it is the successor-in-interest to Del Verde S.p.A.

Consequently, we preliminarily determine that Delverde should not be given the same antidumping duty treatment as Del Verde S.p.A, which was excluded from the order. Instead, Delverde, as a new entity, is not excluded from the order.[19] This determination will apply to all entries of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this changed circumstances review.[20] This deposit rate shall remain in effect until further notice.

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs not later than 10 days after the date of publication of this notice via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs. Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via IA ACCESS. An electronically filed document must be received successfully in its entirety by IA ACCESS, no later than 5:00 p.m. Eastern Time within 10 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in case briefs.

Consistent with 19 CFR 351.216(e), we will issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated, or within 45 days after the publication of the preliminary results if all parties in this review agree to our preliminary results.

We are issuing and publishing this determination and notice in accordance with sections 751(b) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.221.

Dated: May 12, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–11390 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–DS–P

[16] *See* Changed Circumstance Request, at 5.

[17] Because of the proprietary nature of the information concerning the changes to management as a result of the 2005 bankruptcy and change in ownership, for further discussion see ''Preliminary Successor-in-Interest Determination Analysis Memorandum'' (''Prelim Memo''), dated concurrently with this notice.

[18] *See* Third Supplemental Response, at 1–3.

[19] *See Certain Pasta From Italy: Notice of Final Results of 16th Antidumping Duty Administrative Review; 2011–2012,* 79 FR 11409 (February 28, 2014), in which Delverde Industrie Alimentari S.p.A. was assigned a company-specific cash deposit rate of 13.09 percent.

[20] *See Granular Polytetrafluoroethylene Resin from Italy: Final Results of Changed Circumstances Review,* 68 FR 25327 (May 12, 2003).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Continuation of Antidumping Duty Order

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

SUMMARY: The Department of Commerce (the Department) and the International Trade Commission (the ITC) determined that revocation of the antidumping duty (AD) order on freshwater crawfish tail meat from the People's Republic of China (PRC) would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States. Therefore, the Department is publishing a notice of continuation of this AD order.

DATES: *Effective Date:* May 16, 2014.

FOR FURTHER INFORMATION CONTACT: Sandra Dreisonstok or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0768 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2013, the Department published the notice of initiation of the third sunset review of the AD order on freshwater crawfish tail meat from the PRC, pursuant to section 75l(c) of the Tariff Act of 1930, as amended (the Act).[1] As a result of its review, the Department determined that revocation of the AD order on freshwater crawfish tail meat from the PRC would likely lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margin likely to prevail should the order be revoked.[2]

[1] *See Initiation of Five-Year (''Sunset'') Review,* 78 FR 65614 (November 1, 2013).

[2] *See Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results of the Third Expedited Sunset Review of the Antidumping Duty Order,* 79 FR 13278 (March 10, 2014).

On May 2, 2014, pursuant to section 75l(c) of the Act, the ITC determined that revocation of the AD order on freshwater crawfish tail meat from the PRC would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[3]

Scope of the Order

The product covered by the antidumping duty order is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or un-purged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 1605.40.10.10 and 1605.40.10.90, which are the HTSUS numbers for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by U.S. Customs and Border Protection (CBP) in 2000, and HTSUS numbers 0306.19.00.10 and 0306.29.00.00, which are reserved for fish and crustaceans in general. On February 10, 2012, the Department added HTSUS classification number 0306.29.01.00 to the scope description pursuant to a request by CBP. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

Continuation of the Order

As a result of the determinations by the Department and the ITC that revocation of the AD order would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 75l(d)(2) of the Act, the Department hereby orders the continuation of the AD order on freshwater crawfish tail meat from the PRC. CBP will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of this order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This sunset review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: May 9, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–11387 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See Crawfish Tail Meat from China,* 79 FR 25152 (May 2, 2014).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Smart Grid Advisory Committee Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Smart Grid Advisory Committee (SGAC or Committee), will meet in open session on Tuesday, June 3, 2014 from 8:30 a.m. to 5:00 p.m. Eastern time and Wednesday, June 4, 2014 from 8:30 a.m. to 12:00 p.m. Eastern time. This meeting was originally scheduled for March 18–19, 2014 and was rescheduled for administrative reasons. The primary purposes of this meeting are to discuss the updated NIST Framework and Roadmap for Smart Grid Interoperability Standards, updated Guidelines for Smart Grid Cyber Security (NISTIR 7628), NIST Smart Grid Testbed activities, and interactions between Cyber-Physical Systems and Smart Grid. The agenda may change to accommodate Committee business. The final agenda will be posted on the Smart Grid Web site at *http://www.nist.gov/smartgrid.*

DATES: The SGAC will meet on Tuesday, June 3, 2014 from 8:30 a.m. to 5:00 p.m. Eastern time and Wednesday, June 4, 2014 from 8:30 a.m. to 12:00 p.m. Eastern time.

ADDRESSES: The meeting will be held in the Lecture Room G, Administration Building, National Institute of Standards and Technology (NIST), 100 Bureau Drive, Gaithersburg, Maryland 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Cuong Nguyen, Smart Grid and Cyber-Physical Systems Program Office, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899–8200; telephone 301–975–2254, fax 301–948–5668; or via email at *cuong.nguyen@nist.gov.*

SUPPLEMENTARY INFORMATION: The Committee was established in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Committee is composed of nine to fifteen members, appointed by the Director of NIST, who were selected on the basis of established records of distinguished professional service in their professional community and knowledge of issues affecting Smart Grid deployment and operations. The Committee advises the Director of NIST in carrying out duties authorized by section 1305 of the Energy Independence and Security Act of 2007 (Pub. L. 110–140). The Committee provides input to NIST on Smart Grid standards, priorities, and gaps, on the overall direction, status, and health of the Smart Grid implementation by the Smart Grid industry, and on Smart Grid Interoperability Panel activities, including the direction of research and standards activities. Background information on the Committee is available at *http://www.nist.gov/smartgrid/committee.cfm.*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Smart Grid Advisory Committee (SGAC or Committee) will meet in open session on Tuesday, June 3, 2014 from 8:30 a.m. to 5:00 p.m. Eastern time and Wednesday, June 4, 2014 from 8:30 a.m. to 12:00 p.m. Eastern time. The meeting will be open to the public and held in the Lecture Room G, in the Administration Building at NIST in Gaithersburg, Maryland. This meeting was originally scheduled for March 18–19, 2014 and was rescheduled for administrative reasons. The primary purposes of this meeting are to discuss the updated NIST Framework and Roadmap for Smart Grid Interoperability Standards, updated Guidelines for Smart Grid Cyber Security (NISTIR 7628), NIST Smart Grid Testbed activities, and interaction between Cyber-Physical System and Smart Grid. The agenda may change to accommodate Committee business. The final agenda will be posted on the Smart Grid Web site at *http://www.nist.gov/smartgrid.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda by submitting their request to Cuong

Nguyen at *cuong.nguyen@nist.gov* or (301) 975–2254 no later than 5:00 p.m. Eastern time, Friday, May 23, 2014. On Wednesday, June 4, 2014, approximately one-half hour will be reserved at the end of the meeting for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about three minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to Mr. Cuong Nguyen, Smart Grid and Cyber-Physical Systems Program Office, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899–8200; telephone 301–975–2254, fax 301–948–5668; or via email at *cuong.nguyen@nist.gov.*

All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by 5:00 p.m. Eastern time, Friday, May 23, 2014, in order to attend. Please submit your full name, time of arrival, email address, and phone number to Cuong Nguyen. Non-U.S. citizens must submit additional information; please contact Mr. Nguyen. Mr. Nguyen's email address is *cuong.nguyen@nist.gov* and his phone number is (301) 975–2254.

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2014–11422 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Open Meeting of the Information Security and Privacy Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, June 11, 2014, from 8:00 a.m. until 5:00 p.m. Eastern Time, Thursday, June 12, 2014, from 8:00 a.m. until 5:00 p.m. Eastern Time, and Friday, June 13, 2014, from 8:00 a.m. until 12:00 p.m. Eastern Time. All sessions will be open to the public.

DATES: The meeting will be held on Wednesday, June 11, 2014, from 8:00 a.m. until 5:00 p.m. Eastern Time, Thursday, June 12, 2014, from 8:00 a.m. until 5:00 p.m. Eastern Time, and Friday, June 13, 2014, from 8:00 a.m. until 12:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held at Courtyard Washington, DC/U.S. Capitol, 1325 2nd Street NE., Washington, DC 20002 (TEL. 202–898–4000).

FOR FURTHER INFORMATION CONTACT: Annie Sokol, Information Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8930, Gaithersburg, MD 20899–8930, telephone: (301) 975–2006, or by email at: *annie.sokol@nist.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, June 11, 2014, from 8:00 a.m. until 5:00 p.m. Eastern Time, Thursday, June 12, 2014, from 8:00 a.m. until 5:00 p.m. Eastern Time, and Friday, June 13, 2014, from 8:00 a.m. until 12:00 p.m. Eastern Time. All sessions will be open to the public. The ISPAB is authorized by 15 U.S.C. 278g–4, as amended, and advises the National Institute of Standards and Technology (NIST), and the Director of the Office of Management (OMB) on information security and privacy issues pertaining to federal information systems. Details regarding the ISPAB's activities are available at *http://csrc.nist.gov/groups/SMA/ispab/index.html.*

The agenda is expected to include the following items:

—Updates on NIST and the process for developing standards/guidance for cryptography,
—Discussion on Derived Credentials (NIST SP 800–157, Draft Guidelines for Derived Personal Identity Verification (PIV) Credentials, and NIST IR 7981, draft Mobile, PIV, and Authentication),
—Discussion on report on Federal Information Security Management Act of 2002 (FISMA),
—Panel Discussion on Inspector Generals and implementation of SP 800–53 Appendix J Privacy,
—Discussion of performance and effectiveness of Federal Risk and Authorization Management Program (FedRAMP) and cloud computing for the Federal Government,
—Discussion on Executive Order 13556, Controlled Unclassified Information (CUI), and safeguarding information,
—Panel Discussion of US–CERT || United States Computer Emergency Readiness—Use and Outcomes,
—Discussion on Advancing Information Security in Medical Technologies and Medical Devices, and
—Updates on NIST Computer Security Division.

Note that agenda items may change without notice. The final agenda will be posted on the Web site indicated above. Seating will be available for the public and media.

Public Participation: The ISPAB agenda will include a period of time, not to exceed thirty minutes, for oral comments from the public (Friday, June 13, 2014, between 9:30 a.m. and 10:00 a.m.). Speakers will be selected on a first-come, first-served basis. Each speaker will be limited to five minutes. Questions from the public will not be considered during this period. Members of the public who are interested in speaking are requested to contact Annie Sokol at the contact information indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements. In addition, written statements are invited and may be submitted to the ISPAB at any time. All written statements should be directed to the ISPAB Secretariat, Information Technology Laboratory, 100 Bureau Drive, Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899–8930.

Dated: May 12, 2014.

Willie E. May,

Associate Director for Laboratory Programs.

[FR Doc. 2014–11424 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 140227181–4181–01]

Proposed Revision to Voluntary Product Standard (PS) 20–10 ''American Softwood Lumber Standard''

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice and request for comments.

SUMMARY: This notice advises the public that the National Institute of Standards

and Technology (NIST) is seeking comments for the proposed revision to Voluntary Product Standard (PS) 20–10, ''American Softwood Lumber Standard.'' This standard, prepared by the American Lumber Standard Committee, serves the procurement and regulatory needs of numerous federal, state, and local government agencies by providing for uniform, industry-wide grade-marking and inspection requirements for softwood lumber.

The implementation of the standard also allows for uniform labeling and auditing of treated wood and, through a Memorandum of Understanding with the U.S. Department of Agriculture, labeling and auditing of wood packaging materials for international trade. As part of a five-year review process, NIST is seeking public comment and invites interested parties to review the revised standard and submit comments.

DATES: Written comments regarding the proposed revision, PS 20–10, should be submitted to the Standards Services Division, NIST, no later than June 30, 2014.

ADDRESSES: An electronic copy (in PDF) of the current standard, PS 20–10, can be obtained at the following Web site *http://gsi.nist.gov/global/index.cfm/L1-5/l2-44/A-355.* Written comments on the standard should be submitted to David F. Alderman, Standards Services Division, NIST, 100 Bureau Drive, Stop 2150, Gaithersburg, MD 20899–2150; fax (301) 975–4715. Electronic comments may be submitted via email to *david.alderman@nist.gov.*

FOR FURTHER INFORMATION CONTACT: David F. Alderman, Standards Services Division, National Institute of Standards and Technology, telephone: (301) 975–4019; fax: (301) 975–4715, email: *david.alderman@nist.gov.*

SUPPLEMENTARY INFORMATION: Under Department of Commerce regulations codified in Title 15, Code of Federal Regulations, Part 10, *Procedures for the Development of Voluntary Product Standards,* and administered by NIST, the American Lumber Standard Committee acts as the Standing Committee for PS 20–10, *American Softwood Lumber Standard,* (Committee) responsible for maintaining, revising, and interpreting the standard. The Committee is comprised of producers, distributors, users, and others with an interest in the standard.

Voluntary Product Standard (PS) 20–10 establishes standard sizes and requirements for developing and coordinating the lumber grades of the various species of lumber, the assignment of design values, and the preparation of grading rules applicable to each species. Its provisions include implementation of the standard through an accreditation and certification program; establishment of principal trade classifications and lumber sizes for yard, structural, and factory/shop use; classification, measurement, grading, and grade-marking of lumber; definitions of terms and procedures to provide a basis for the use of uniform methods in the grading inspection, measurement, and description of softwood lumber; commercial names of the principal softwood species; definitions of terms used in describing standard grades of lumber; and commonly used industry abbreviations. The standard also includes the organization and functions of the American Lumber Standard Committee, the Board of Review, and the National Grading Rule Committee.

NIST invites public comments on the current standard, PS 20–10, which is available at *http://gsi.nist.gov/global/index.cfm/L1-5/l2-44/A-355.* All public comments will be reviewed and considered. Written comments should be submitted in accordance with the **DATES** and **ADDRESSES** sections of this notice. The American Lumber Standard Committee and NIST will consider all comments received and may revise the standard, as appropriate.

Dated: May 12, 2014.

Willie E. May,

Associate Director for Laboratory Programs.

[FR Doc. 2014–11425 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD262

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator), has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. This Exempted Fishing Permit would allow seven Federal lobster vessels to participate in a lobster abundance study within the state and Federal waters off the coast of Massachusetts.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before June 2, 2014.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: NMFS.GAR.EFP@noaa.gov.* Include in the subject line ''Comments on MA DMF Lobster Study EFP.''
- *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on MA DMF Lobster Study EFP.''
- *Fax:* (978) 281–9135.

FOR FURTHER INFORMATION CONTACT: Maria Jacob, Environmental Technician, 978–281–9180, *maria.jacob@noaa.gov.*

SUPPLEMENTARY INFORMATION: Massachusetts Division of Marine Fisheries (MA DMF) submitted a complete application for an Exempted Fishing Permit (EFP) to conduct a lobster abundance survey with experimental lobster gear that the regulations would otherwise restrict. The EFP would authorize seven lobster vessels to set, haul, and retain on-board experimental lobster traps (closed escape vents) during sampling activity. Following a soak time ranging from 3 to 5 days, these lobster traps would be hauled twice per month on dedicated sampling days, with at least one scientist from MA DMF on-board during sampling activity. The proposed lobster sampling activity would take place during dedicated survey trips, and no traps in addition to the survey gear will be hauled, and all catch, including lobsters and bycatch species, will be discarded promptly after data collection is complete.

Funding for this lobster abundance survey will be provided by MA DMF. The purpose of this lobster study is to provide fishery-independent data on lobster abundance. Currently, lobster abundance and distribution studies are primarily conducted through fishery independent, random stratified bottom trawl surveys. MA DMF stated that these trawl surveys lack the capability to efficiently target areas with rocky bottom where lobsters also reside, and aims to use fixed lobster gear to sample

areas not effectively sampled using a bottom trawl.

MA DMF requests exemption from lobster gear regulations to allow for closed escape vents in order to target all lobsters, including lobsters that do not satisfy Federal minimum size regulations for retention of lobster catch. The escape vent must remain closed in order to accurately quantify both juvenile and adult lobster abundance within the study area. MA DMF is also requesting exemptions from the lobster trap limit, in order to allow participating vessels to retain on board experimental lobster traps that would cause vessels to exceed the 800-trap limit for Lobster Management Areas (LMAs) 1 and 2. Federal lobster regulations also require a trap tag to be fixed to each active lobster trap; however, the survey traps will remain separate from each vessel's commercial fishing traps, and would be hauled during sampling trips only. Therefore, the survey traps would not be fixed with the conventional lobster trap tags. However, there would be an identification tag fixed to each survey trap for the duration of the study.

MA DMF is also requesting exemptions to allow one Federal lobster permit holder to be exempt from the management area designation requirements, to allow the permit holder to fish experimental traps in LMA 2 while having an LMA 3 on his Federal permit. This exemption will allow the vessel to set survey traps in an area not designated on his permit. This permit holder would not be allowed to commercially fish and land lobsters for sale with traps in LMA 2.

Site selection would be based on a random, stratified sampling design, consistent with standardized methodology used to perform lobster surveys. All catch during dedicated research trips would be retained on-board for a short period of time to allow MA DMF staff to record the following information: The number of lobsters caught; the size (carapace length in mm) and sex of each lobster; the hardness of each lobster shell; and the presence/absence of lobster parts, shell damage, shell disease, and eggs in female lobsters.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 12, 2014.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–11192 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD294

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice; public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a meeting of the Standing, Special Reef Fish and Ecosystem Scientific and Statistical Committees (SSC).

DATES: The meetings will be held from 9 a.m. on Tuesday, June 3 until 12 noon, Thursday, June 5, 2014.

ADDRESSES:

Meeting address: The meetings will be held at The Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Atran, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *steven.atran@gulfcouncil.org*.

SUPPLEMENTARY INFORMATION: The items of discussion in the individual meeting agendas are as follows:

Standing and Ecosystem SSC Agenda, Tuesday, June 3, 2014, 9 a.m. Until 12 Noon CST

1. Adoption of Agenda
2. Approval of March 28, 2013 Standing and Ecosystem SSC summary minutes
3. GOM Ecosystem Assessment Status Report

Standing, Special Reef Fish, and Ecosystem SSC Agenda, Tuesday, June 3, 2014, 1:30 p.m. Until 5 p.m., Wednesday, June 4, 2014, 8:30 a.m. Until 5 p.m., and Thursday, June 5, 2014, 8:30 a.m. Until 12 Noon

4. Adoption of Agenda
5. Approval of January 23–24, 2014 Standing and Special Reef Fish SSC summary minutes
6. SEDAR 33 Benchmark Assessments
   a. Gag
   b. Greater amberjack
7. Discussion on Integrating Ecosystem Considerations into SEDAR Assessments
8. Red Snapper Slot Limit and Hook Size Analysis
9. Selection of Participants for a Workshop to Evaluate MSY and ABC control Rule Based Benchmarks for Penaeid Shrimp
10. Selection of SSC representative at June 23–27, 2014 Council meeting (Key West)
11. Other business

The Agenda is subject to change, and the latest version will be posted on the Council's file server, which can be accessed by going to the Council Web site at *http://www.gulfcouncil.org* and clicking on FTP Server under Quick Links. The meetings will be webcast over the Internet. A link to the webcast will be available on the Council's Web site, *http://www.gulfcouncil.org.* Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Actions of the Scientific and Statistical Committees will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 13, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–11344 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD292

Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meetings

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

ACTION: Notice of SEDAR 38 assessment process webinars for Gulf of Mexico and South Atlantic King Mackerel.

SUMMARY: The SEDAR 38 assessment of Gulf of Mexico and South Atlantic King Mackerel will consist of a workshop and series of webinars. This notice is for the two additional webinars associated with the Assessment portion of the SEDAR process. See **SUPPLEMENTARY INFORMATION**.

DATES: Two assessment webinars for SEDAR 38 will be held from 1–4 p.m. on Tuesday, June 3, 2014 and from 1–4 p.m. on Wednesday, June 18, 2014.

ADDRESSES:

Meeting address: The meetings will be held via webinar. The webinar is open to the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; telephone: (843) 571–4366; email: *julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) an Assessment Workshop and a series of webinars and (3) Review Workshop. The product of the Data Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses; and describes the fisheries. The Assessment workshop and webinars evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Assessment Process webinars are as follows:

1. Using datasets and initial assessment analysis recommended from the Assessment Workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Panelists will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 13, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–11343 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XP18

Marine Mammals; File No. 14327

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that the National Marine Fisheries Service's National Marine Mammal Laboratory (NMML), 7600 Sand Point Way, Seattle, WA 98115 [Principal Investigator: Thomas Gelatt, Ph.D.], has applied for an amendment to Scientific Research Permit No. 14327.

DATES: Written, telefaxed, or email comments must be received on or before June 16, 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 home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 14327–01 from the list of available applications.

These documents are also available upon written request or by appointment in the 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, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to

NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment.

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: Tammy Adams or Courtney Smith, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 14327 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 14327, issued on August 17, 2009 (74 FR 44823), authorizes NMML to investigate population status and trends, demographic parameters, health and condition, and foraging ecology of northern fur seals (*Callorhinus ursinus*) in U.S. waters, including rookeries and haulouts in ~~CA~~ California and ~~AK~~ Alaska. Research on the San Miguel Island stock involves: Capture, restraint, sampling, and incidental disturbance. Research on the Eastern Pacific stock involves: Capture, restraint, sampling, and incidental disturbance. The permit also authorizes research-related mortality of fur seals from the San Miguel Island Stock and the Eastern Pacific stock. Western DPS Steller sea lions (*Eumetopias jubatus*) and California sea lions (*Zalophus californianus*) may be harassed annually incidental to the research. See tables in permit application for numbers of takes by species, stock and activity.

A 5-year amendment is requested to continue the long term monitoring and assessment of Northern fur seal population and demographic parameters; health and disease trends; and foraging habits and ecology. Specifically, the requested amendment will: Add new methods (aerial surveys) and authorize associated incidental disturbance; edit methods (tag resighting observations) and authorize increased associated incidental disturbance; authorize existing procedures (nasal, vaginal, and fecal swab sampling) for/at other existing projects/locations; authorize new procedures (ocular swab and vibrissae sampling); add new species (harbor seals; *Phoca vitulina*) and authorize their disturbance incidental to northern fur seal research activities; and, modify protocols (tooth extraction, pup production estimates).

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the effects of the activities proposed are consistent with the Preferred Alternative in the Final Programmatic Environmental Impact Statement for Steller Sea Lion and Northern Fur Seal Research (NMFS 2007) and that issuance of the requested permit amendment would not have a significant adverse impact on the human environment.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 13, 2014.

Tammy C. Adams,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–11370 Filed 5–15–14; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Notice; Supplementary.

DATES: May 13, 2014.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–1419.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee) is providing supplementary information to its Notice in the **Federal Register** of April 21, 2014.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Director, Business Operations, Telephone: (703) 603–7740, FAX 703–603–0655 or email *CMTEFedReg@abilityone.gov.*

SUPPLEMENTARY INFORMATION: The Committee's Notice in the **Federal Register** of Monday, April 21, 2014 (79 FR 22103–22104), included the addition to the Procurement List of ''Base Operations Support Service, National Geospatial-Intelligence Agency, NGA Campus West, 3200 S 2nd Street, St. Louis, MO'', with an effective date of May 20, 2014. Through this Notice, the Committee is temporarily suspending the May 20, 2014 effective date until November 20, 2014.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–11368 Filed 5–15–14; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds services to the Procurement List that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and a service from the Procurement List previously furnished by such agencies.

DATES: *Effective Date:* 6/16/2014.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 2/7/2014 (79 FR 7428) and 3/14/2014 (79 FR 14485), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a

substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will provide the services the Government.

2. The action will result in authorizing small entities to provide the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following services are added to the Procurement List:

Services

Service Type/Location: Base Supply Center Service, U.S. Army, Tobyhanna Army Depot, 11 Hap Arnold Blvd., Tobyhanna, PA
NPA: Central Association for the Blind & Visually Impaired, Utica, NY
Contracting Activity: DEPT OF THE ARMY, W0ML USA DEP TOBYHANNA, TOBYHANNA, PA

Service Type/Location: Supply Room Service, Social Security Administration Regional Office, 1301 Young Street, Dallas TX
NPA: Dallas Lighthouse for the Blind, Inc., Dallas, TX
Contracting Activity: SOCIAL SECURITY ADMINISTRATION, HDQTRS—OFFICE OF ACQUISITION & GRANTS, BALTIMORE, MD

Deletions

On 3/28/2014 (79 FR 17509–17510); 4/4/2014 (79 FR 18891–18892); and 4/11/2014 (79 FR 20190–20191), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and service listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and service deleted from the Procurement List.

End of Certification

Accordingly, the following products and service are deleted from the Procurement List:

Products

3M Twist N Fill Dispensing System

NSN: 7930–01–381–5794—Heavy Duty Aircraft Cleaner
NPA: Beacon Lighthouse, Inc., Wichita Falls, TX
Contracting Activities: U.S. POSTAL SERVICE, WASHINGTON, DC DEPARTMENT OF VETERANS AFFAIRS, NAC, HINES, IL GENERAL SERVICES ADMINISTRATION, FORT WORTH, TX

Napkin, Table, Paper

NSN: 8540–01–350–6417
NSN: 8540–01–351–2150
NPA: UNKNOWN
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FORT WORTH, TX

SKILCRAFT SAVVY Non-Acid Bathroom Cleaner

NSN: 7930–01–517–2727—Cleaner, Bathroom, Non-Acid, SKILCRAFT Savvy, 32 oz
NSN: 7930–01–517–5916—Cleaner, Bathroom, Non-Acid, SKILCRAFT Savvy, 5 GL
NSN: 7930–01–517–5917—Cleaner, Bathroom, Non-Acid, SKILCRAFT Savvy, 55 GL
NPA: Vision Corps, Lancaster, PA
Contracting Activities: DEPARTMENT OF VETERANS AFFAIRS, NAC, HINES, IL GENERAL SERVICES ADMINISTRATION, FORT WORTH, TX

Folder, File

NSN: 7530–00–985–7010—Folder, File
NSN: 7530–00–205–3613—Folder, File
NPA: Goodwill Industries of the Pioneer Valley, Inc., Springfield, MA
Contracting Activity: GENERAL SERVICES ADMINISTRATION, NEW YORK, NY

Squeegee, Ergonomic Style Handle

NSN: 7920–01–503–5368—Squeegee, Ergonomic Style Handle
NSN: 7920–01–503–5369—Squeegee, Ergonomic Style Handle
NSN: 7920–01–503–5370—Squeegee, Ergonomic Style Handle
NSN: 7920–01–503–5371—Squeegee, Ergonomic Style Handle
NPA: Industries for the Blind, Inc., West Allis, WI
Contracting Activities: DEPARTMENT OF VETERANS AFFAIRS, NAC, HINES, IL GENERAL SERVICES ADMINISTRATION, FORT WORTH, TX

Service

Service Type/Location: Custodial Services, Huntsville Warehouse 351, 351 Electronics Blvd., Huntsville, AL
NPA: Huntsville Rehabilitation Foundation, Huntsville, AL
Contracting Activity: DEPARTMENT OF DEFENSE, MISSILE DEFENSE AGENCY (MDA), REDSTONE ARSENAL, AL

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–11373 Filed 5–15–14; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes a service previously provided by such agency.

DATES: *Comments Must Be Received On Or Before:* 6/16/2014.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN: MR 337—Scrubber Brush, Produce

NSN: MR 830—Spinner, Salad
NSN: MR 334—Turner, Omelet
NSN: MR 333—Utensil, Splitter, Mango
NPA: Cincinnati Association for the Blind, Cincinnati, OH
Contracting Activity: Defense Commissary Agency, Fort Lee, VA
COVERAGE: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency.

NSN: MR 10640—Bowl, Dressing Dispenser, Salad
NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Defense Commissary Agency, Fort Lee, VA
COVERAGE: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency.

Undershirt, FREE, Army, Unisex

NSN: 8415–01–588–0506—Desert Sand, Size XS
NSN: 8415–01–588–0740—Desert Sand, Size S
NSN: 8415–01–588–0746—Desert Sand, Size M
NSN: 8415–01–588–0772—Desert Sand, Size L
NSN: 8415–01–588–0774—Desert Sand, Size XL
NSN: 8415–01–588–0794—Desert Sand, Size XXL
NSN: 8415–01–576–9915—Foliage Green, Size XS
NSN: 8415–01–576–9930—Foliage Green, Size S
NSN: 8415–01–577–0407—Foliage Green, Size M
NSN: 8415–01–577–0408—Foliage Green, Size L
NSN: 8415–01–577–0409—Foliage Green, Size XL
NSN: 8415–01–577–0410—Foliage Green, Size XXL
NPA: Bestwork Industries for the Blind, Inc., Runnemede, NJ
Contracting Activity: Dept Of The Army, W6QK ACC–APG Natick, Natick, MA
COVERAGE: C-List for 100% of the requirement of the Department of the Army, as aggregated by the Army Contracting Command—Aberdeen Proving Ground, Natick Contracting Division, Natick, MA.

NSN: 7510–00–290–2026—Tape, Masking & Packaging, General Purpose
NPA: Cincinnati Association for the Blind, Cincinnati, OH
Contracting Activity: General Services Administration, New York, NY
COVERAGE: A-List for the Total Government Requirement as aggregated by the General Services Administration.

Dry Erase White Board

NSN: 7110–00–NIB–2201—Magnetic Porcelain Surface, Mahogany Finish, 36″ × 24″
NSN: 7110–00–NIB–2202—Magnetic Porcelain Surface, Mahogany Finish, 48″ × 36″
NSN: 7110–00–NIB–2203—Magnetic Porcelain Surface, Mahogany Finish, 72″ × 48″
NSN: 7110–00–NIB–2204—Melamine Surface, Oak Finish, 36″ × 24″
NSN: 7110–00–NIB–2205—Melamine Surface, Oak Finish, 48″ × 36″
NSN: 7110–00–NIB–2208—Magnetic Porcelain Surface, Mahogany Finish, Top-Bottom-Side, 48″ × 36″
NSN: 7110–00–NIB–2209—Magnetic Porcelain Surface, Mahogany Finish, Top-Bottom-Side Rails, 72″ × 48″
NSN: 7110–01–334–7079—Magnetic Porcelain Surface, Oak Finish, 36″ × 24″
NSN: 7110–01–334–7080—Magnetic Porcelain Surface, Oak Finish, 48″ × 36″
NSN: 7110–01–334–7082—Magnetic Porcelain Surface, Oak Finish, 72″ × 48″
COVERAGE: A-List for the Total Government Requirement, as aggregated by the General Services Administration.

NSN: 7110–00–NIB–2207—Magnetic Porcelain Surface, Mahogany Finish, Top-Bottom-Side Rails, 36″ × 24″
NSN: 7110–01–334–7078—Magnetic Porcelain Surface, Oak Finish, 24″ × 18″
NSN: 7110–01–334–7081—Magnetic Porcelain Surface, Oak Finish, 60″ × 36″
COVERAGE: B-List for the Broad Government Requirement, as aggregated by the General Services Administration.

NPA: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA
Contracting Activity: General Services Administration, FSS Household and Industrial Furniture, Arlington, VA

Services

Service Type/Location: Healthcare Housekeeping and Related Services, US Army Medical Command, Madigan Army Medical Center, Building 473 Cabrillo St, Suite A1A, Presidio of Monterey, CA
NPA: HHI Services Inc., San Antonio, TX
Contracting Activity: Dept of the Army, W40M USA MEDCOM HCAA, Fort Sam Houston, TX

Service Type/Location: Kennel Caretaker Service, U.S. Customs and Border Protection, Kennel Facility, Ft Buchanan, Bldg 295, Guaynabo, PR
NPA: The Corporate Source, Inc., New York, NY
Contracting Activity: Dept of Homeland Security, U.S. Customs and Border Protection, Border Enforcement Contracting Division, Washington, DC

Service Type/Locations: Laundry and Linen Service, VA Tennessee Valley Healthcare System, Nashville Campus, 1310 24th Avenue South, Nashville, TN
VA Tennessee Valley Healthcare System, Murfreesboro Campus, 3400 Lebanon Pike, Murfreesboro, TN
NPA: Wiregrass Rehabilitation Center, Inc., Dothan, AL
Contracting Activity: Department of Veterans Affairs, 249-Network Contract Office 9, Murfreesboro, TN

Deletion

The following service is proposed for deletion from the Procurement List:

Service

Service Type/Location: Janitorial/Custodial Service, Social Security Administration Building, 612 N. Church Street, Rockford, IL
NPA: OMNI Business Services, Inc., Rockford, IL
Contracting Activity: General Services Administration, FPDS Agency Coordinator, Washington, DC

Barry S. Lineback,
Director, Business Operations.

[FR Doc. 2014–11367 Filed 5–15–14; 8:45 am]
BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Technology Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of meeting.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) announces that on June 3, 2014, from 10:00 a.m. to 5:00 p.m., the CFTC's Technology Advisory Committee (TAC) will hold a public meeting at the CFTC's Washington, DC headquarters. The TAC meeting will focus on high-frequency trading in the derivatives markets; the Commission's surveillance program; and swap execution facilities.

DATES: The meeting will be held on June 3, 2014, from 10:00 a.m. to 5:00 p.m. Members of the public who wish to submit written statements in connection with the meeting should submit them by May 27, 2014.

ADDRESSES: The meeting will take place in the Conference Center at the CFTC's headquarters, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Written statements should be submitted by electronic mail to: *secretary@cftc.gov.* Statements may also be submitted by mail to: Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, attention: Office of the Secretary. Please use the title ''Technology Advisory Committee'' in any written statement you submit. Any statements submitted in connection with the committee meeting will be made available to the public.

FOR FURTHER INFORMATION CONTACT: Amir Zaidi, TAC Designated Federal Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, (202) 418–6770.

SUPPLEMENTARY INFORMATION: The CFTC TAC will hold a public meeting on Tuesday, June 3, 2014, from 10:00 a.m. to 5:00 p.m. at the CFTC's Washington,

DC headquarters. The TAC meeting will focus on (1) high-frequency trading in the derivatives markets; (2) the Commission's surveillance program; and (3) swap execution facilities.

The meeting will be open to the public with seating on a first-come, first-served basis. Persons requiring special accommodations to attend the meeting because of a disability should notify the contact person listed above.

Members of the public may also listen to the meeting by telephone by calling a toll-free telephone line to connect to a live, listen-only audio feed. Call-in participants should be prepared to provide their first name, last name, and affiliation. The call-in information is as follows:

Domestic Toll Free: 1–866–844–9416.

International Toll and Toll Free: Will be posted on the CFTC's Web site, *http://www.cftc.gov,* on the page for the meeting.

Conference ID: 2780848.

Pass Code/Pin Code: CFTC.

After the meeting, a transcript of the meeting will be published through a link on the CFTC's Web site, *http://www.cftc.gov.* All written submissions provided to the CFTC in any form will also be published on the CFTC's Web site.

(Authority: 5 U.S.C. Appendix, Federal Advisory Committee Act, Sec. 10(a)(2))

Dated: May 13, 2014.

Christopher J. Kirkpatrick,

Deputy Secretary of the Commission.

[FR Doc. 2014–11315 Filed 5–15–14; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 14–13]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 14–13 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: May 12, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

MAY 08 2014

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 14-13, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Belgium for defense articles and services estimated to cost $113 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 14–13

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Belgium

(ii) *Total Estimated Value:*

Major Defense Equipment*	$7 million.
OTHER	$106 million.
TOTAL	$113 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Upgrade F–16A/B Block 15 Mid Life Upgrade (MLU) aircraft with Operational Flight Program (OFP) tapes S1, M5 and M6. Upgrade includes: 69 LN–260 Embedded Global Positioning System-Inertial Navigation Systems (GPS–INS), 8 Remote Operated Video Enhanced Receivers IV (ROVER IV), 62 AN/APX–125 Transceivers (AN/APX–125 Air Identification Friend of Foe Radios), 32 KIV–78s, 1 Joint Mission Planning System (JMPS), 4 BRU–61/A Carriage Systems, and 43 AN/ARC–210(V) RT–1990(C) Ultra High Frequency/Very High Frequency (UHF/VHF) Receiver Transmitters. Also included are spare and repair parts, support equipment, repair and return services, software development/integration, test and equipment, personnel training and training equipment, publications and

technical data, U.S. Government and contractor technical services, and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (QRS)

(v) *Prior Related Cases:* FMS case QBA–$81M–17Dec04

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None.

(vii) *Sensitivity of Technology:* See Attached Annex.

(viii) *Date Report Delivered to Congress:* May 8, 2014

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Belgium—F–16A/B Block 15 Aircraft Mid Life Upgrade

The Government of Belgium has requested a possible sale to upgrade its F–16A/B Block 15 Mid Life Upgrade (MLU) aircraft with Operational Flight Program (OFP) tapes S1, M5 and M6. Upgrade includes: 69 LN–260 Embedded Global Positioning System-Inertial Navigation Systems (GPS–INS), 8 Remote Operated Video Enhanced Receivers IV (ROVER IV), 62 AN/APX–125 Transceivers (AN/APX–125 Air Identification Friend of Foe Radios), 32 KIV–78s, 1 Joint Mission Planning System (JMPS), 4 BRU–61/A Carriage Systems, and 43 AN/ARC–210(V) RT–1990(C) Ultra High Frequency/Very High Frequency (UHF/VHF) Receiver Transmitters. Also included are spare and repair parts, support equipment, repair and return services, software development/integration, test and equipment, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical services, and other related elements of logistics and program support. The estimated cost is $113 million.

The proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a NATO ally. The proposed sale of equipment and support for Belgium's F–16s will support its self-defense needs and enhance the interoperability of these aircraft with those of the United States and other NATO nations.

The proposed sale will support the Belgian Air Force's (BAF) efforts to equip, upgrade, and utilize its F–16A/B MLU aircraft. The BAF will have no difficulty integrating these upgraded platforms into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin Missile and Fire Control in Orlando, Florida. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Belgium.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 14–13

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex—Item No. vii

(vii) Sensitivity of Technology

1. The LN–260 Embedded Global Positioning System-Inertial Navigation System (GPS–INS) is a sensor that combines GPS and inertial sensor inputs to provide accurate location information for navigation and targeting. The EGI LN–260 is Unclassified. The GPS crypto variable keys needed for highest GPS accuracy are classified up to Secret.

2. The Remote Operated Video Enhanced Receiver IV (ROVER) is a terminal that provides a capability to receive real-time surveillance and reconnaissance videos from airborne platforms. The hardware and software are Unclassified.

3. The AN/APX–125 (Transceiver, AN/APX–113 Air Identification Friend or Foe) is a system that is IFF Mark XIIA compliant and is capable of transmitting and interrogating Mode 5. It is Unclassified unless/until Mode 4 and/or Mode 5 operational evaluator parameters are loaded into the equipment. Classified elements of the IFF system include software object code, operating characteristics, parameters, and technical data.

4. The KIV–78 (COMSEC Device, Controlled Cryptographic Item (CCI)) crypto computer provides COMSEC to the Identification Friend or Foe (IFF) combined transponder interrogator system. It is Unclassified unless Mode 4/5 operational evaluator parameters and/or classified keying material are loaded into the equipment.

5. The Joint Mission Planning System (JMPS) is a multi-platform based mission planning system. JMPS hardware is Unclassified. The software is classified up to Secret.

6. The BRU–61/A carriage system consists of a four-place rack with a self-contained pneumatic charging and accumulator section. Four ejector assemblies hold the individual weapons. Internal avionics and wire harnesses connect the carriage system to the aircraft and to the individual weapons. The carriage avionics assembly provides the interface between the individual stores and the aircraft for targeting, GPS keys, alignment, fuze settings, and weapon release sequence information. The hardware is Unclassified.

7. The AN/ARC–210 RT–1990 Ultra High Frequency/Very High Frequency secure Radio with HAVE QUICK II and SATURN is a voice or data communications radio system that can operate in either normal, secure, and/or jam-resistant modes. Classified elements include operating characteristics, parameters, technical data, and keying material.

8. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar advanced capabilities.

9. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

10. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Belgium.

[FR Doc. 2014–11288 Filed 5–15–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0074]

Agency Information Collection Activities; Comment Request; Report of Randolph-Sheppard Vending Facility Program

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 15, 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–0074 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 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Tara Jordon, 202–245–7341.

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: Report of Randolph-Sheppard Vending Facility Program.

OMB Control Number: 1820–0009.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, Tribal Governments.

Total Estimated Number of Annual Responses: 52.

Total Estimated Number of Annual Burden Hours: 702.

Abstract: The Vending Facility Program authorized by the Randolph-Sheppard Act provides persons who are blind with remunerative employment and self-support through the operation of vending facilities on federal and other property. Under the Randolph Sheppard Program, state licensing agencies recruit, train, license and place individuals who are blind as operators of vending facilities (including cafeterias, snack bars, vending machines, etc.) located on federal and other properties. In statute at 20 U.S.C. 107a(6)(a), the Secretary of Education is directed through the Commissioner of the Rehabilitation Services Administration (RSA) to conduct periodic evaluations of the programs authorized under the Randolph-Sheppard Act. Additionally, section 107b(4) requires entities designated as the state licensing agency to ''make such reports in such form and containing such information as the Secretary may from time to time require. . . .'' The information to be collected is a necessary component of the evaluation process and forms the basis for annual reporting. These data are also used to understand the distribution type and profitability of vending facilities throughout the country. Such information is useful in providing technical assistance to state licensing agencies and property managers. The Code of Federal Regulations, at 34 CFR 395.8, specifies that vending machine income received by the state from federal property managers can be distributed to blind vendors in an amount not to exceed the national average income for blind vendors. This amount is determined through data collected using RSA–15: Report of Randolph-Sheppard Vending Facility Program. In addition, the collection of information ensures the provision and transparency of activities referenced in 34 CFR 395.12 related to disclosure of program and financial information.

Dated: May 12, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–11302 Filed 5–15–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; First in the World Program—Development Grants

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information

Fund for the Improvement of Postsecondary Education (FIPSE)—First in the World Program (FITW)—Development Grants Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.116F.

DATES:

Applications Available: May 16, 2014.

Deadline for Transmittal of Applications: June 30, 2014.

Deadline for Intergovernmental Review: August 29, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The President has set a clear goal for the Nation's education system. By 2020 the United States will once again lead the world in the proportion of its citizens holding college degrees or other postsecondary credentials. To support this national effort the Department of Education has outlined a comprehensive education agenda that includes expanding quality and opportunity at all levels of education from early learning programs through higher education. The FITW Program is a key part of this agenda.

Last August, President Obama outlined an ambitious plan to improve value and affordability in postsecondary education. The plan included: Paying for performance, developing a college ratings system; promoting innovation and competition; and ensuring affordable debt. The President noted that the federal government can act as a catalyst for innovation, spurring innovation in a way that drives down costs while preserving quality. Innovations can take many forms, such as those that improve teaching and learning by redesigning courses and student supports, or by leverage learning science and technological developments. FITW aims to support a wide range of innovations at colleges and universities, and serve as a catalyst for the best ideas that will dramatically enhance student outcomes.

The FITW program will build on all of these important Administration priorities by providing grants to

institutions of higher education to spur the development of innovative approaches and strategies that will improve postsecondary educational access and outcomes. The FITW program plays a key role in the President's plan to make college more affordable for students and families, as it aims to develop an evidence base of effective practices for ensuring that more students can access, persist in, and complete postsecondary study. Successful FITW projects will support greater college affordability for students, through the implementation and evaluation of practices and strategies that have the potential to reduce costs while delivering high-quality academic programs to students. Institutions of higher education or consortia of such institutions are eligible applicants for FITW grants. We encourage applicants to partner with public and private institutions and agencies that can assist applicants to achieve the goals of their projects.

The FY 2014 budget for FITW is $75,000,000, with up to $20,000,000 set aside for Minority-Serving Institutions (MSIs). There will be one competition with one set of priorities and one set of selection criteria. We will consider an institution as an MSI for purposes of this competition if the institution meets the qualifications for an MSI as described in the application package and the institution certifies that it meets those qualifications through the application. Institutions of higher education may only submit one application and may only be awarded one grant.

Successful FITW projects will include the following characteristics: (1) A project design supported by Strong Theory (as defined in this notice); (2) a data collection plan; (3) a design and implementation plan for evaluation that will demonstrate whether the strategies implemented are showing Moderate Evidence of Effectiveness (as defined in this notice); (4) replicable and scalable reform strategies; (5) a strong focus on improved postsecondary access, affordability, and completion, with an emphasis on low-income students; and (6) a strategy for improvement of postsecondary productivity and effectiveness that holds steady or decreases costs for students.

The FITW competition embraces the President's call for institutions of higher education to propose their best and most promising ideas to significantly expand access, affordability, and improve outcomes for students. The absolute priorities of the FITW competition are structured to elicit a wide array of innovative proposals from a diversity of institutions of higher education, focused around these three pillars of access, affordability, and attainment. Many institutions across the country have already demonstrated significant interest in and/or adopted innovative approaches to teaching and learning that aim to obtain better outcomes for students, including promising practices that accelerate the pace and success rate for students in need of remediation moving into credit-bearing coursework and toward a degree or credential; approaches like competency-based education that measure progression based on learning rather than just seat time; dual-enrollment strategies and early college high schools that allow high school students to earn credit before arriving at college; establishing open degree pathways that are offered at low- or no-cost to students in fields that focus on the education and skills employers are seeking, and that have the potential to deliver high-quality learning experiences and outcomes while significantly expanding postsecondary educational access and opportunity; and redesigned courses and programs of study that improve student learning at lower costs than traditional courses. The Department welcomes the submission of all ideas and proposals (including but not limited to the aforementioned examples) and encourages institutions of higher education to put forward their most innovative and creative thinking to significantly expand postsecondary opportunity for all students, especially those who are low-income, underprepared for, or underrepresented in higher education.

FITW is designed as a tiered evidence grant program in which higher levels of evidence supporting the proposed projects are required in order to receive greater amounts of funding across multiple evidence tiers. In future years, the Department anticipates conducting competitions to support projects under higher tiers of evidence. However, in FY 2014, the Department will run only one competition in one evidence tier for Development grants. FITW projects should be novel and significant nationally, not projects that simply implement existing practices in additional locations or support needs that are primarily local in nature. A key goal of FITW Development grants is to expand the research on innovative practices that can be used to support future competitions with higher evidence standards.

To be eligible for an award, an application for a FITW Development grant must be supported by a Strong Theory (as defined in this notice) and the applicant must submit a logic model (as defined in this notice) for its proposed project. Applicants may submit a rationale for any intervention(s) that has not been tried or that only has been marginally considered and explored at the applicant institution or elsewhere.

Priorities: This notice includes five absolute priorities and one competitive preference priority.

We are establishing these priorities for the FY 2014 FITW competition and any subsequent year in which we make awards from the list of unfunded applicants from this competition in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1).

Absolute Priorities: These priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that address one of the five absolute priorities. The Department encourages applicants to select an absolute priority that is commensurate with implementing well-defined reforms that can be thoroughly studied and described in detail, and that has the potential to be replicated. The Joint Explanatory Statement accompanying the Consolidated Appropriations Act of 2014, Public Law 113–76, specifies that, in carrying out the FITW competition the Department is expected to prioritize applications that target innovative strategies for low-income students. Applicants must specify on the Abstract and Information page which absolute priority is addressed in the application.

The five absolute priorities are:

Absolute Priority I—Increasing Access and Completion for Underrepresented, Underprepared, or Low-Income Students

Background

The proportion of Americans earning postsecondary credentials is unacceptably low, particularly among low-income, underrepresented, and underprepared students. Substantial college completion gaps persist among underrepresented, underprepared, or low-income students and their peers. Reports from (NCES) consistently indicate that students from higher-income families are more likely to finish postsecondary programs of study than lower-income students. We must both increase the number of low-income, underprepared, or underrepresented students (including students with disabilities) enrolling in postsecondary education and increase the rates at which they complete. The purpose of this priority is to ensure that FITW grants will implement and demonstrate

reforms and strategies that leverage innovative approaches to yield a measurable impact on student persistence and completion.

Priority

This priority supports projects that will improve the effectiveness of interventions for a target student population made up of underrepresented, underprepared or low-income students that would result in measurable increases in the number of students from those populations who enroll and persist in postsecondary education, and complete their postsecondary degree, credential, or certificate; or that would implement a broader system-wide design that would have positive effects on all students including underrepresented, underprepared, and low income students. If the target group of the proposed project is all students at an institution or consortia of institutions, applicants must explain why the approach is expected to have positive impacts on underrepresented, underprepared, and low-income student subpopulations and must show that they can track outcomes for these specific student subpopulations. Consistent with this priority, applicants may also submit projects that will advance positive impacts and outcomes for students with disabilities.

Absolute Priority II—Increasing Community College Transfer Rates to Four-Year Colleges for Underrepresented, Underprepared, or Low-Income Students

Background

Community colleges play a major role in higher education. Successful transfer of students from two-year to four-year institutions is a key function community colleges perform that contributes to the nation's overall bachelor degree attainment. The pressure of tuition increases, escalating costs for books and materials, and the decline of State support for higher education has resulted in growing enrollments at community colleges and a greater need for strategies to facilitate a seamless transfer of students from two-year to four-year institutions.

Priority

This priority supports projects that will implement new and substantially different strategies for increasing transfer rates between two-year and four-year institutions.

Absolute Priority III—Increasing Enrollment and Completion of Underrepresented, Underprepared, or Low-Income Students in Science, Technology, Engineering, and Mathematics (STEM) Degree and Certificate Programs

Background

This absolute priority focuses on increasing enrollments and completion rates for students from groups historically underrepresented in STEM, including minorities and women. Recent trends in undergraduate STEM enrollments show that historically underrepresented students are an increasing fraction of undergraduate students but still disproportionately under-enroll in the STEM disciplines.

Priority

This priority supports projects that will implement new and substantially different strategies to enroll and graduate greater numbers of underrepresented students in STEM fields.

Absolute Priority IV—Reducing Time to Completion, Especially for Underrepresented, Underprepared, or Low-Income Students

Background

This priority focuses on issues of institutional productivity and effectiveness, particularly as they relate to reducing the time it takes to complete a degree, a diploma or a certificate. A growing number of students work full-time or part-time jobs while making progress towards completing their programs of study. Meanwhile, newly-enrolled college students are increasingly assigned to time-consuming, non-credit bearing remediation courses which often derail their path to completion. These and other factors are increasing the length of time it takes to complete a two-year or four-year program. This priority invites institutions to propose innovative approaches to reduce the time it takes for students to complete their program of study.

Priority

This priority supports projects that will develop and implement new strategies to reduce the time it takes to complete a degree for full-time or part-time students. Applicants addressing this priority must propose new and substantially different strategies that reduce time to degree while maintaining high-quality academic programs.

Absolute Priority V—Improving College Affordability, Especially for Underrepresented, Underprepared, or Low-Income Students

Background

It is well known that for many years college tuition has exceeded the rate of inflation. The difference between the cost of attending college and a family's capacity to pay has increased dramatically. Declining state support for higher education has also forced students and families to shoulder a larger proportion of college costs. At the same time there has been a shift toward a greater use of student loans in place of grants to finance college costs. While a college education remains a worthwhile investment, many students now face years of loan payments. Default rates are rising and too many young adults are burdened with debt as they seek to start a family, buy a home, launch a business, or save for retirement.

Priority

This priority supports projects that will develop and implement new and substantially different strategies to contain the cost of education for students and families pursuing higher education.

Competitive Preference Priority: For 2014, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(1), we award any application that meets this competitive preference priority an additional two points. Applicants must clearly mark the Abstract and Information page in the application package if they intend to address this competitive preference priority.

The competitive preference priority is:

Competitive Preference Priority—Using Evidence of Promise as the Application Evidence Standard (2 Points)

Under this priority we support projects that provide supporting evidence that meets the Evidence of Promise definition (as defined in this notice), in addition to meeting the definition of Strong Theory that all applicants must address. **Note:** An applicant addressing this competitive preference priority must identify up to two study citations that meet this standard. Relevant studies will be reviewed to determine if they meet the What Works Clearinghouse Evidence Standards. The link for the What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), can be found at:*http://ies.ed.gov/ncee/wwc/references/*

idocviewer/ doc.aspx?docid=19&tocid=1.

The links for the citations submitted for the competitive preference priority must be provided on the Abstract and Information page. Applicants must specify on the Abstract and Information page the findings within the studies that are cited as Evidence of Promise for the proposed project and ensure that the citations and links are from publicly or readily available sources. Studies of fewer than 10 pages may be attached in full under Other Attachments in Grants.gov.

An application will receive two extra points if at least one of the cited studies meets the Evidence of Promise standard and is relevant to the proposed project.

Definitions

Evidence of Promise means there is empirical evidence to support the theoretical linkage(s) between at least one critical component and at least one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. Specifically, Evidence of Promise means the conditions in paragraph (a) and (b) of this section are met: (a) There is at least one study that is either a (1) correlational study with statistical controls for selection bias; (2) a quasi-experimental design study (as defined in this notice) that meets the What Works Clearinghouse Evidence Standards with reservations; or (3) a randomized controlled trial (as defined in this notice) that meets the What Works Clearinghouse Evidence Standards with or without reservations; and (b) the study referenced in (a) found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger), favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. The link for the What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), can be found at:*http://ies.ed.gov/ncee/wwc/ references/idocviewer/ doc.aspx?docid=19&tocid=1.*

Innovation means a process, product, strategy, or practice that improves (or is expected to improve) significantly upon the outcomes reached with status quo options and that can ultimately reach widespread effective usage.

Logic Model (also referred to as a theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (i.e., the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationship among the key components and outcomes, theoretically and operationally.

Moderate Evidence of Effectiveness means the first or the second of the following conditions is met: (1) There is at least one study of the effectiveness of the process, product, strategy, or practice that meets the What Works Clearinghouse Evidence Standards without reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), and includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice; or (2) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standard with reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice; and includes a large and a multi-site sample. **Note:** Multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph. The link for the What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), can be found at: *http://ies.ed.gov/ncee/wwc/references/ idocviewer/ doc.aspx?docid=19&tocid=1.*

Quasi-experimental Design Study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations (they cannot meet the What Works Clearinghouse Evidence Standards without reservations). The link for the What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), can be found at:*http://ies.ed.gov/ncee/wwc/ references/idocviewer/ doc.aspx?docid=19&tocid=1.*

Randomized Controlled Trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the treatment (the control group). The estimated effectiveness of the intervention is the difference between the average outcome for the treatment group and for the control group. These studies, depending on design and implementation, can meet the What Works Clearinghouse Evidence Standards without reservation. The link for the What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), can be found at:*http://ies.ed.gov/ncee/wwc/ references/idocviewer/ doc.aspx?docid=19&tocid=1.*

Strong Theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, definitions, and other requirements. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements, regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for the FITW program under 20 U.S.C. 1138–1138d and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forego public comment on the priorities, definitions, and requirements under section 437(d)(1) of GEPA. These priorities, selection criteria, definitions and requirements will apply to the FY 2014 grant competition only.

Program Authority: 20 U.S.C. 1138–1138d.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 84, 85, 86, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485.

Note: The regulations in 34 CFR part 79 apply to all applicants except Federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $75,000,000. Up to $20,000,000 is set aside for MSIs.

The range of awards listed below is the total amount for a 48 month budget period.

Estimated Range of Awards: $2,000,000–$4,000,000.

Estimated Average Size of Awards: $3,000,000.

See the Budget Instructions in the application package.

Maximum Award: We will not fund any application above the maximum award of $4,000,000 for the 48-month budget period. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 19–38.

Note: The Department is not bound by any estimates in this notice.

Project Period: 48 months.

III. Eligibility Information

1. *Eligible Applicants:* Institutions of higher education and consortia of such institutions are eligible to apply. Applicants are encouraged to partner with other public and private organizations and agencies. To be eligible for an award, an application for a FITW Development grant must be supported by a Strong Theory and include a logic model for the proposed project.

To qualify as an eligible MSI under the FITW Program, an institution must meet one of two criteria. The first criterion includes: Current eligibility approval as defined by the Department's FY 2014 eligibility process for Title III and/or Title V of the Higher Education Act of 1965, as amended; an open grant under one of the Department's Title III, Parts A and F and/or Title V programs; or a designation as a Historically Black College of University or a Tribally Controlled College. The second criterion includes: Specific enrollment percentages for minority students served; and, if applicable, needy student and educational and general (E&G) expenditure criteria for determining income eligibility. More information on MSI eligibility is in the application package under the section entitled Eligibility. The Department will screen the applications to verify MSI eligibility based on these criteria and, if applicable, will use the most recent IPEDS data. In the event an application does not qualify for MSI eligibility, it will still be reviewed.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Other:* We are establishing the following requirements for this program in accordance with section 437(d)(1) of GEPA, 20 U.S.C. 1232(d)(1).

Evidence Standard and Logic Model: All applications for the FITW Program must meet the evidence standard of Strong Theory and include a logic model (as defined in this notice). Applicants may submit a rationale for any intervention(s) that has not been tried or that only has been marginally considered and explored at the applicant institution or elsewhere.

Limits on Grant Awards: No applicant will receive more than one award in this FY 2014 FITW competition.

Evaluation: A grantee must comply with the requirements of any evaluation of the program conducted by the Department. In addition, the grantee must arrange for an independent evaluation of its project. The grantee and its independent evaluator must cooperate with any technical assistance provided by the Department or its contractor to ensure that the evaluations are of the highest quality and to encourage commonality in evaluation approaches across funded projects. Finally, the grantee must make broadly available through formal (e.g., peer-reviewed journals) or informal (e.g., newsletters) mechanisms, and in print or electronically, the results of any evaluations it conducts of its funded activities. These results must cite the U.S. Department's Fund for the Improvement of Postsecondary Education as the funding source.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs).

To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapp/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You also can contact ED Pubs at its Web site: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this program as follows: CFDA number 84.116F.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer disc) by contacting the person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative is where you, the applicant address the selection criteria that reviewers use to assess your application. There is a limit for the application narrative of no more than 40 pages using the following standards.

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.

Note: For purposes of determining compliance with the 40 page limit, each page on which there are words will be counted as one full page.

- Double space (no more than three lines per vertical inch) all text in the application narrative, except titles, headings, footnotes, endnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the application may be single spaced.
- Use a font that is either 12 point or larger; or, no smaller than 10 pitch (characters per inch). However, you may use a 10 point font in charts, tables, figures, graphs, footnotes, and endnotes.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The 40-page limit does not apply to Part I, the cover sheet, the table of contents; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or Abstract and Information page, the resumes (three-page limit), the citations or full studies, or letters of support.

If you include any attachments or appendices not specifically requested and required for the application, these items will be counted as part of the narrative for the purposes of the page limit.

3. *Submission Dates and Times:*

Applications Available: May 16, 2014.

Deadline for Transmittal of Applications: June 30, 2014.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: August 29, 2014.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR), and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under the First in the World Program, CFDA number 84.116F, must be submitted electronically using the Government-wide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for First in the World Program at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.116, not 84.116F).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your

application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Frank Frankfort, First in the World, U.S. Department of Education, 1990 K Street NW., Room 6166, Washington, DC 20006–8544. FAX: (202) 502–7877.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA 84.116F, LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA 84.116F, 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260. The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210. The points assigned to each criterion are indicated in parentheses. Applicants may earn up to a total of 100 points for the selection criteria. These selection criteria serve as the template for submitting and reviewing proposals. Additional details may be found in the application package under Instructions for the Project Narrative.

The five selection criteria for grants in this competition are as follows:

A. *Significance* (up to 20 points).

The Secretary considers the significance of the proposed project.

In determining the significance of the proposed project, the Secretary considers the following factors:

(1) The potential contribution of the proposed project to increased knowledge or understanding of education problems, issues, or effective strategies.

(2) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

(3) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings.

Note: How the proposal meets this selection criterion should be explained in the first section of the project narrative. Applicants are encouraged to begin their narrative with a description of the major challenges in higher education, and then indicate how their proposal addresses these educational challenges. Applicants are encouraged to focus on novel and substantially different approaches to these challenges. Applicants are also encouraged to consider how their planned innovations could be replicated at other institutions. If the applicant conducts a literature review, an explanation of the review could be useful in explaining the significance of the project.

B. *Quality of the Project Design* (up to 30 points).

The Secretary considers the quality of the design of the proposed project.

In determining the quality of the project design, the Secretary considers the following factors:

(1) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(2) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition.

(3) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework.

Note: The applicant should explain how the project meets this selection criterion in the second section of the project narrative. Applicants are encouraged to define carefully the student population served, the number of students involved, and any challenges and needs that they are addressing through their project. Applicants are encouraged to describe carefully how their proposed approach is a new and substantially different way to address the selected priority. Applicants are encouraged to use the required logic model as the conceptual plan for the project. A simple logic model could be organized in four parts: Inputs, Activities, Outcomes, and Timelines. Inputs refer to all the resources to conduct the project. Activities are interventions that will be measured on multiple occasions. Outcomes refer to results derived from measuring and analyzing activities and interventions. A timeline indicates when an intervention takes place.

C. *Adequacy of Resources* (up to 15 points).

The Secretary considers the adequacy of resources for the proposed project.

In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(1) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(2) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

Note: The applicant should explain how the project meets this selection criterion in the third section of the project narrative. Applicants are encouraged to describe the resources and capacity of the institution to conduct a successful project, for example, through letters of commitment. Letters must be appended to the application under Other Attachments. Additionally, applicants are encouraged to describe how the requested funds are reasonable in relation to the complexity and scale of the project.

D. *Quality of Project Personnel* (up to 15 points).

The Secretary considers the quality of the personnel who will carry out the proposed project.

In determining the quality of project personnel for the proposed project, the Secretary considers the following factors:

(1) The qualifications, including relevant training and experience, of the project director or principal investigator.

(2) The qualifications, including relevant training and experience, of key project personnel.

(3) The qualifications, including relevant training and experience, of project consultants or subcontractors.

Note: The applicant should explain how the project meets this selection criterion in the fourth section of the project narrative. Applicants are encouraged to select a project director who is well acquainted with the institution and experienced in executing large and complex projects. A resume for the project director is required. Applicants are encouraged to address the qualifications of other key personnel. Applicants are encouraged to select a project consultant to serve as an evaluator who is independent of the project, has appropriate credentials, and has experience in survey design and statistical analysis. A resume for the project consultant is required.

E. *Quality of the Project Evaluation* (up to 20 points).

The Secretary considers the quality of the evaluation to be conducted of the proposed project.

In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are specified and measurable.

(2) The extent to which the methods of evaluation will, if well implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards without reservations. The link for the What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), can be found at: *http://ies.ed.gov/ncee/wwc/references/idocviewer/doc.aspx?docid=19&tocid=1.*

(3) The extent to which the methods of evaluation will, if well implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards with reservations. The link for the What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), can be found at: *http://ies.ed.gov/ncee/wwc/references/idocviewer/doc.aspx?docid=19&tocid=1.*

(4) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

Note: The applicant should explain how the project meets this selection criterion in the last section of the project narrative. Because FITW is an evidence-based program and may inform and guide the project work, the evaluation plan for your FITW project is very important. Applicants are encouraged to have a firm understanding of the Moderate Evidence of Effectiveness standard (as defined in this notice). It is also important to explain how the evaluation plan will guide and inform the project work.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

For FITW grant applications the Department intends to conduct a two-tier review process to review and score all eligible applications. Reviewers will review and score all eligible applications on the following four selection criteria: A. Significance; B. Quality of the Project Design; C. Adequacy of Resources; and D. Quality of Project Personnel. Eligible applications that score highly on these four selection criteria will have the remaining criterion, E. Quality of the Project Evaluation, reviewed and scored by a different panel of peer reviewers with evaluation expertise. Highly rated applications from this two-tier review process that also address the competitive preference priority will then have their supporting studies reviewed by the Department's Institute for Education Sciences (IES) and by the FITW program. An application will receive two extra points if at least one of the cited studies meets the Evidence of Promise standard and is relevant to the proposed project.

In cases where two or more applications have the same final score in the rank order listing, and there are insufficient funds to fully support these both applications, the Department will consider an equitable distribution of grants among geographic locations.

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

To ensure that the Federal investment of these funds has as broad an impact as possible and to encourage innovation in the development of new learning materials, FITW grantees will be required to license to the public all intellectual property (except for computer software source code, discussed below) created with the support of grant funds, including both new content created with grant funds and modifications made to pre-existing, grantee-owned content using grant funds. That license must be worldwide, non-exclusive, royalty-free, perpetual, irrevocable, and grant the public permission to access, reproduce, publicly perform, publicly display, adapt, distribute, and otherwise use the intellectual property referenced above (except for computer software source code, discussed below) for any purposes, conditioned only on the requirement that attribution be given to authors as designated. Further, the Department requires that all computer software source code developed or created with FITW funds will be released under an intellectual property license that allows others to freely use and build upon them.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department will use the following performance measures in assessing the successful performance of FIPSE's FITW grants:

(1) The extent to which funded projects are replicated (i.e., adopted or adapted by others).

(2) The extent to which projects are institutionalized and continued after funding.

(3) The extent to which the metrics used to assess and evaluate project results measure performance under the absolute priority the project is designed to address.

(4) The percentage of projects supported by FITW grants that produce evidence of their effectiveness at improving student outcomes and college affordability, especially for low-income students.

(5) The percentage of projects supported by FITW grants that provide high-quality implementation data and performance feedback that allow for periodic assessment of progress toward achieving intended outcomes.

(6) The cost per student served by FITW grants.

(7) The cost per successful student outcome.

If funded, you will be asked to collect and report data from your project on steps taken toward achieving the outcomes evaluated by these

performance measures. Consequently, applicants are advised to include these outcomes in conceptualizing the design, implementation, and evaluation of their proposed projects. Replication, institutionalization, and accurate data are important outcomes that ensure the ultimate success of projects funded under this program.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Frank Frankfort, U.S. Department of Education, 1990 K Street NW., Room 6166, Washington, DC 20006–8544. Telephone: 202–502–7500. You may send emails to *OPEFirstintheWorld@ed.gov.*

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

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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

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

You can also view this document in text or PDF at the following site: *www.ed.gov/fipse.*

Dated: May 14, 2014.

Lynn B. Mahaffie,

Senior Director, Policy Coordination, Development, and Accreditation Service, delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–11463 Filed 5–15–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG14–50–000.
Applicants: SEP II, LLC.
Description: Notice of Self-Certification of EWG Status of SEP II, LLC.
Filed Date: 5/8/14.
Accession Number: 20140508–5059.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: EG14–51–000.
Applicants: NRG Solar Dandan LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 5/8/14.
Accession Number: 20140508–5126.
Comments Due: 5 p.m. ET 5/29/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2819–002.
Applicants: ALLETE, Inc.
Description: Supplement to February 28, 2014 Notice of Non-Material Change in Status of ALLETE, Inc.
Filed Date: 4/24/14.
Accession Number: 20140424–5135.
Comments Due: 5 p.m. ET 5/15/14.

Docket Numbers: ER11–4315–002; ER10–3144–002.
Applicants: Gila River Power LLC, Entegra Power Services LLC.
Description: Gila River Power LLC, et. al. Supplement to June 28, 2013 Triennial Market Power Update for the Southwest Region.
Filed Date: 5/7/14.
Accession Number: 20140507–5204.
Comments Due: 5 p.m. ET 5/19/14.

Docket Numbers: ER13–2301–003.
Applicants: Dominion Energy Marketing, Inc.
Description: Compliance Filing—Corrected Attached Tariff to Previous Filing of May 5 to be effective 10/1/2013.
Filed Date: 5/8/14.
Accession Number: 20140508–5000.
Comments Due: 5 p.m. ET 5/20/14.

Docket Numbers: ER14–83–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–05–07_Docket No. ER14–83–002_External Resources Compliance to be effective 12/13/2013.
Filed Date: 5/7/14.
Accession Number: 20140507–5139.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1290–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–05–07_Docket No. ER14–1290–001_Schedule 34 Compliance Filing to be effective 4/8/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5132.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1902–000.
Applicants: Bendwind, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/8/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5148.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1903–000.
Applicants: Broken Bow Wind, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/8/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5149.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1904–000.
Applicants: Crofton Bluffs Wind, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/8/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5150.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1905–000.
Applicants: Energy Alternatives Wholesale, LLC.
Description: Revised Market-Based Tariff to be effective 5/8/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5151.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1906–000.
Applicants: GenConn Energy LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/8/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5152.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1907–000.
Applicants: Mountain Wind Power, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/8/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5156.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1908–000.
Applicants: Mountain Wind Power II LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/8/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5159.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1909–000.
Applicants: Storm Lake Power Partners I LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/8/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5161.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1910–000.
Applicants: TAIR Windfarm, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/8/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5162.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1911–000.
Applicants: Nalcor Energy.
Description: Notice of Cancellation to be effective 5/8/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5175.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1912–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Request for limited, one-time waiver of certain provisions of its Open Access Transmission, Energy and Operating Reserve Markets Tariff of Midcontinent Independent System Operator, Inc.
Filed Date: 5/7/14.
Accession Number: 20140507–5207.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1913–000.
Applicants: Calpine Oneta Power, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/9/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5075.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1914–000.
Applicants: Public Service Company of New Mexico.
Description: PNM-Jicarilla PPA to be effective 5/9/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5076.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1915–000.
Applicants: Bayou Cove Peaking Power, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/9/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5077.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1916–000.
Applicants: Forward WindPower LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/9/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5078.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1917–000.
Applicants: Groen Wind, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/9/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5083.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1918–000.
Applicants: Hillcrest Wind, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/9/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5085.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1919–000.
Applicants: Jeffers Wind 20, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/9/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5086.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1920–000.
Applicants: Laredo Ridge Wind, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/9/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5087.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1921–000.
Applicants: San Juan Mesa Wind Project, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/9/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5088.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1922–000.
Applicants: Sleeping Bear, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/9/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5089.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1923–000.
Applicants: Wildorado Wind, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/9/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5090.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1924–000.
Applicants: PJM Interconnection, L.L.C.
Description: Notice of Cancellation of Original Service Agreement No. 3342; Queue No. W1–122 to be effective 5/6/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5110.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1925–000.
Applicants: PJM Interconnection, L.L.C.
Description: Notice of Cancellation of Original Service Agreement No. 2977; Queue No. W2–074 to be effective 5/6/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5114.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1926–000.
Applicants: Exelon Generation Company, LLC.
Description: Reassignment Tariff Changes to be effective 7/1/2013.
Filed Date: 5/8/14.
Accession Number: 20140508–5115.
Comments Due: 5 p.m. ET 5/29/14.

Docket Numbers: ER14–1927–000.
Applicants: CED White River Solar 2, LLC.
Description: Application for Market-Based Rate Authorization to be effective 6/1/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5116.
Comments Due: 5 p.m. ET 5/29/14.

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: May 8, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11266 Filed 5–15–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2299–082]

Turlock Irrigation District, Modesto Irrigation District; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2299–082.

c. *Date Filed:* April 28, 2014.

d. *Applicant:* Turlock Irrigation District and Modesto Irrigation District.

e. *Name of Project:* Don Pedro Hydroelectric Project.

f. *Location:* The Don Pedro Project facilities are located on the Tuolumne River in Tuolumne County, California. Portions of the Don Pedro Project occupy lands of the Bureau of Land Management Sierra Resource Management Unit.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Steven Boyd, Director of Water Resources, Turlock Irrigation District, P.O. Box 949, Turlock, California 95381, 209–883–8364 and Greg Dias, Project Manager, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352, 209–526–7566.

i. *FERC Contact:* Jim Hastreiter at (503) 552–2760 or *james.hastreiter@ferc.gov.*

j. This application is not ready for environmental analysis at this time.

k. *The Project Description:* The Don Pedro Project consists of the following existing facilities: (1) The 580-foot-high, 1,900-foot-long earth and rockfill dam with a gross storage capacity of 2,030,000 acre-feet, located on the Tuolumne River 54.8 miles upstream of its confluence with the San Joaquin River; (2) the 30-foot-high, 45-foot-wide, 135-foot-long gated spillway including three radial gates each 45-foot-wide by 30-foot-high; (2) the 995-foot-long ungated ogee spillway with a crest elevation of 830 feet; (3) the set of outlet works located at the left abutment of the dam consisting of three individual gate housings, each containing two 4-foot-by-5-foot slide gates; (4) the 3,500-foot-long concrete lined tunnel with a total hydraulic capacity of 7,500 cubic feet per second; (5) the 2,960-foot-long power tunnel located in the left abutment of the dam that transitions from an 18-foot concrete-lined section to a 16-foot steel-lined section; (6) the 21-foot-high, 12-foot-wide emergency closure fixed-wheel gate; (7) a powerhouse located immediately downstream of the dam containing a 72-inch hollow jet valve and four Francis turbine-generator units with a nameplate capacity of 168 megawatts; (8) the switchyard located on top of the powerhouse; (9) the 75-foot-high earth and rockfill Gasburg Creek dike with a slide-gate controlled 18-inch-diameter conduit located near the downstream end of the spillway; (10) three small embankments dikes (dike A is located between the main dam and spillway and dikes B and C are located east of the main dam); (11) recreation facilities on Don Pedro reservoir, including Fleming Meadows, Blue Oaks, and Moccasin Point, primitive and semi-primitive lakeshore camping, both floating and shoreline restrooms in addition to those at the developed recreation areas, and other open water-based features including houseboat marinas and a marked water-ski slalom course; and (12) appurtenant facilities and features including access roads.

l. *Locations of the Application:* A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please 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 item (h) above.

m. 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, contact FERC Online Support.

n. *Procedural Schedule:*

The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Notice of Acceptance/Notice of Ready for Environmental Analysis.	May 2016.
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions.	July 2016.
Commission issues Draft Environmental Impact Statement (EIS).	January 2017.
Comments on Draft EIS	February 2017.
Modified Terms and Conditions.	April 2017.
Commission Issues Final EIS.	July 2017.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the Notice of Ready for Environmental Analysis.

Dated: May 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11265 Filed 5–15–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12721–006]

Pepperell Hydro Company, LLC; Notice of Settlement Agreement and Soliciting Comments

Take notice that the following settlement agreement has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Settlement Agreement.

b. *Project No.:* 12721–006.

c. *Date filed:* April 11, 2014.

d. *Applicant:* Pepperell Hydro Company, LLC.

e. *Name of Project:* Pepperell Hydroelectric Project.

f. *Location:* On the Nashua River, in the town of Pepperell, Middlesex County, Massachusetts. The project would not occupy lands of the United States.

g. *Filed Pursuant to:* Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

h. *Applicant Contact:* Dr. Peter B. Clark, 823 Bay Road, P.O. Box 149, Hamilton, MA 01936; (978) 468–3999; or *pclark@swiftrivercompany.com.*

i. *FERC Contact:* Brandon Cherry at (202) 502–8328 or *brandon.cherry@ferc.gov.*

j. *Deadline for filing comments:* June 2, 2014; reply comments are due on June 12, 2014. This notice establishes a deadline for filing comments on the settlement agreement that corresponds with the deadline established by the

Commission notice issued on April 1, 2014.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support 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. The first page of any filing should include docket number P–12721–006.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Pepperell Hydro Company, LLC filed the settlement agreement on behalf of itself, the U.S. Fish and Wildlife Service, National Park Service, Massachusetts Division of Fisheries and Wildlife, Massachusetts Department of Environmental Protection, Nashua River Watershed Association, and town of Pepperell, Massachusetts. The purpose of the settlement agreement is to resolve among the signatories all issues associated with issuance of an original license for the project regarding mode of operation, bypassed reach flows, impoundment refill, upstream and downstream American eel passage, upstream and downstream fish passage, mussels, water quality, invasive species, and recreation. The signatories request that the Commission incorporate into any original license for the project the measures included in section 3 of the settlement agreement.

l. A copy of the settlement agreement is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support.

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, contact FERC Online Support.

Dated: May 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11268 Filed 5–15–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ14–11–000]

Oncor Electric Delivery Company LLC; Notice of Filing

Take notice that on March 25, 2014, Oncor Electric Delivery Company LLC submitted its tariff filing per 35.28(e): Oncor Tex-La Tariff Rate Changes, effective October 27, 2011.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 23, 2014.

Dated: May 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11262 Filed 5–15–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ14–14–000]

Oncor Electric Delivery Company LLC; Notice of Filing

Take notice that on March 28, 2014, Oncor Electric Delivery Company LLC submitted its tariff filing per 35.28(e): Oncor TFO Tariff Rate Changes, effective January 1, 2012.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 23, 2014.

Dated: May 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11263 Filed 5–15–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ14–23–000]

Oncor Electric Delivery Company LLC; Notice of Filing

Take notice that on May 6, 2014, Oncor Electric Delivery Company LLC submitted its tariff filing per 35.28(e): Oncor Tex-La Tariff Rate Changes, effective April 17, 2014.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 5, 2014.

Dated: May 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11264 Filed 5–15–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9014–9]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 05/05/2014 Through 05/09/2014

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20140146, Final EIS, NMFS, 00, Amending the Atlantic Large Whale Take Reduction Plan Vertical Line Rule, Review Period Ends: 06/16/2014, Contact: Kate Swails 978–282–8481.

EIS No. 20140147, Draft EIS, USFS, CA, Rim Fire Recovery, Comment Period Ends: 06/30/2014, Contact: Maria Benech 209–532–3671.

EIS No. 20140148, Final EIS, FTA, TX, Tex Rail Corridor Commuter Rail Project, Review Period Ends: 06/20/2014, Contact: Don Koski 817–978–0571.

EIS No. 20140149, Final EIS, USN, CA, US Navy F–35C West Coast Homebasing, Review Period Ends: 06/16/2014, Contact: Amy Kelly 619–532–2799.

Amended Notices

EIS No. 20140097, Draft EIS, OSM, NM, Four Corners Power Plant and Navajo Mine Energy Project, Comment Period Ends: 06/27/2014, Contact: Marcelo Calle 303–293–5035. Revision to the FR Notice Published 03/28/2014; Extending Comment Period from 5/27/2014 to 6/27/2014.

Dated: May 13, 2014.

Dawn Roberts,

Management Analyst, Office of Federal Activities.

[FR Doc. 2014–11379 Filed 5–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0002; FRL–9910–15]

SFIREG Full Committee; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Association of American Pesticide Control Officials (AAPCO)/State FIFRA Issues Research and Evaluation Group (SFIREG), Full Committee will hold a 2-day meeting, beginning on June 9, 2014 and ending June 10, 2014. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, June 9, 2014 from 8:30 a.m. to 5:00 p.m. and 8:30 a.m. to 12 noon on Tuesday June 10, 2014.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at EPA One Potomac Yard (South Bldg.), 2777 Crystal Dr., Arlington, VA. 1st Floor, South Conference Room.

FOR FURTHER INFORMATION CONTACT: Ron Kendall, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–5561; fax number: (703) 305–5884; email address: *kendall.ron@epa.gov.* or Grier Stayton, SFIREG Executive Secretary, P.O. Box 466, Milford DE 19963; telephone number (302) 422–8152; fax (302) 422–2435; email address: Grier Stayton at *aapco-sfireg@comcast.net.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are interested in pesticide regulation issues affecting States and any discussion between EPA and SFIREG on FIFRA field implementation issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process. You are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include, but are not limited to: Those

persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetics Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and those who sell, distribute or use pesticides, as well as any Non-Government Organization.

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The docket for this action, Identified by docket ID number EPA–HQ–OPP–2014–0002 is available at *http://www.regulations.gov,* or at the Office of Pesticide Programs Regulatory Public Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Tentative Agenda Topics

1. Issue Papers Status.
2. Pesticide Registration Review Update.
3. Endangered Species Act (ESA) Lawsuits Status.
4. ESA Consultation Process.
5. National Academy of Science Implementation Stakeholder Webinar.
6. Soil Fumigation Re-Registration, Other Re-Registration Issues.
7. Status of Pollinator Protection Issues Policy Development.
8. Pollinator Protection Label Language Issue Paper.
9. Environmental Hazards Statements Conflicts With Directions for Use Statements.
10. National Pesticide Information Center/State Lead Agency Information Exchange.
11. Project Officer Training Workgroup Report.
12. Results from Pre-State FIFRA Issues Research and Evaluation Group (SFIREG) Meetings.
13. SFIREG/EPA Discussion—Role and Responsibilities of Working Committees.
14. OECA Update.
15. Program Performance Measures Development and Implementation Pilot Project.
16. Tribal Pesticide Program Council (TPPC) Report.
17. Tribal Pesticide Policy Council/SLA Project Initiative.

III. How can I request to participate in this meeting?

This meeting is open for the public to attend. You may attend the meeting without further notification.

List of Subjects

Environmental protection.

Dated: May 1, 2014.

Brian Frazer,

Acting Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. 2014–11378 Filed 5–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9910–98–Region–1]

Notice of Availability of Draft Npdes General Permits Mag250000 and Nhg250000 for Discharges of Non-Contact Cooling Water in Massachusetts and New Hampshire: the Non-Contact Cooling Water General Permit (NCCW GP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Draft Npdes General Permits MAG250000 and NHG250000.

SUMMARY: The Director of the Office of Ecosystem Protection, EPA—Region 1, is providing a notice of availability of draft National Pollutant Discharge Elimination System (NPDES) general permits for non-contact cooling water discharges to certain waters of the Commonwealth of Massachusetts and the State of New Hampshire. These General Permits replace the Non-contact Cooling Water General Permit (NCCW GP) that expired on July 31, 2013.

DATES: Comment on the draft general permits must be received on or before June 16, 2014.

Public Hearing Information: EPA will hold a public hearing, if necessary, in accordance with 40 CFR 124.12 and will provide interested parties with the opportunity to provide written and/or oral comments for the official administrative record.

ADDRESSES: Comments on the draft NCCW GP shall be submitted by one of the following methods:

(1) Email: *warner.suzanne@epa.gov* or

(2) Mail: Suzanne Warner, US EPA—Region 1, 5 Post Office Square—Suite 100, Mail Code OEP06–4, Boston, MA 02109–3912.

No facsimiles (faxes) will be accepted.

The draft permit is based on an administrative record available for public review at EPA–Region 1, Office of Ecosystem Protection, 5 Post Office Square-Suite 100, Boston, Massachusetts 02109–3912. A reasonable fee may be charged for copying requests. The fact sheet for the draft general permit sets forth principal facts and the significant factual, legal, methodological and policy questions considered in the development of the draft permit and is available upon request. A brief summary is provided as supplementary information below.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the draft NCCW GP may be obtained between the hours of 9 a.m. and 5 p.m. Monday through Friday, excluding holidays, from Suzanne Warner, Office of Ecosystem Protection, 5 Post Office Square—Suite 100, Boston, MA 02109–3912; telephone: 617–918–1383; email: *warner.suzanne@epa.gov.*

SUPPLEMENTARY INFORMATION:

EPA is proposing to reissue two draft general permits for non-contact cooling water discharges from facilities located in Massachusetts and New Hampshire. While the draft general permits are two distinct permits, for convenience, EPA has grouped them together in a single document and has provided a single fact sheet for the two draft general permits. This document refers to the draft general ''permit'' in the singular. The draft general permit, appendices and fact sheet are available at: *http://www.epa.gov/region1/npdes/nccwgp.html.*

The draft general permit establishes Notice of Intent (NOI) requirements, effluent limitations, standards, prohibitions, and in some cases best technology available (BTA) requirements for facilities that discharge small amounts of non-contact cooling water in Massachusetts and New Hampshire.

The draft permit includes effluent limitations based on best professional judgment (BPJ) and water quality considerations. The effluent limits established in the draft permit assure that the surface water quality standards of the receiving water are maintained and/or attained.

Non-contact cooling water is water used for cooling that does not come into contact with any raw material, intermediate product, waste product, or finished product; the only anticipated pollutant is heat. Discharges composed of anything other than non-contact cooling water will not be granted coverage under this general permit. Those dischargers must seek coverage

under an individual permit or an appropriate general permit.

The permit also contains BTA requirements for cooling water intake structures for facilities that withdraw less than 1 MGD of surface water for non-contact cooling in order to ensure source water protection. For facilities that use groundwater or municipal drinking water for non-contact cooling, the permit establishes effluent limitations and/or additional monitoring for expected constituents (metals and residual chlorine, respectively).

Other Legal Requirements

Endangered Species Act (ESA)

EPA has updated the provisions and necessary actions and documentation related to potential impacts to endangered species from facilities seeking coverage under the NCCW GP. EPA has requested concurrence from the appropriate federal services (U.S. Fish and Wildlife Service and National Marine Fisheries Service) in connection with this draft permit.

National Historic Preservation Act (NHPA)

In accordance with NHPA, EPA has established provisions and documentation requirements for facilities seeking coverage under the NCCW GP to ensure that discharges or actions taken under this permit will not adversely affect historic properties and places. EPA has requested concurrence from the appropriate state historic preservation officers (SHPOs) with the draft permit.

Authority: This action is being taken under the Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: May 8, 2014.

Deborah Szaro,

Deputy Regional Administrator.

[FR Doc. 2014–11427 Filed 5–15–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0335; FRL–9910–28]

Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions were granted during the period October 1, 2013 to March 31, 2014 to control unforeseen pest outbreaks.

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0335, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

II. Background

EPA has granted emergency exemptions to the following State and Federal agencies. The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific.

Under FIFRA section 18, EPA can authorize the use of a pesticide when emergency conditions exist. Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A ''specific exemption'' authorizes use of a pesticide against specific pests on a limited acreage in a particular State. Most emergency exemptions are specific exemptions.

2. ''Quarantine'' and ''public health'' exemptions are emergency exemptions issued for quarantine or public health purposes. These are rarely requested.

3. A ''crisis exemption'' is initiated by a State or Federal agency (and is confirmed by EPA) when there is insufficient time to request and obtain EPA permission for use of a pesticide in an emergency.

EPA may deny an emergency exemption: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses unacceptable risks to the environment, or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in ''a reasonable certainty of no harm'' to human health, including exposure of residues of the pesticide to infants and children.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the ''reasonable certainty of no harm standard'' of the Federal Food, Drug, and Cosmetic Act (FFDCA).

In this document: EPA identifies the State or Federal agency granted the exemption, the type of exemption, the pesticide authorized and the pests, the crop or use for which authorized, and the duration of the exemption.

III. Emergency Exemptions

A. U.S. States and Territories

Alabama

Department of Agriculture

Specific exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; February 27, 2014 to December 31, 2014.

Arkansas

State Plant Board

Specific exemption: EPA authorized the use of anthraquinone on rice seed to repel blackbirds; February 28, 2014 to June 1, 2014.

California

Department of Environmental Protection

Specific exemption: EPA authorized the use of etofenprox in mushroom houses to control phorid and sciarid flies; February 7, 2014 to February 7, 2015.

Specific exemption: EPA authorized the use of boscalid for post harvest use on Belgian endive to control the fungal pathogen *Sclerotinia sclerotiorum;* November 1, 2014 to February 15, 2014

Specific exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; January 10, 2014 to December 31, 2014.

Delaware

Department of Agriculture

Specific exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; January 10, 2014 to December 31, 2014.

Specific exemption: EPA authorized the use of thiabendazole in mushroom houses to control trichoderma green mold; January 17, 2014 to January 17, 2015.

Florida

Department of Agriculture and Consumer Services

Quarantine exemption: EPA authorized the use of propiconazole on avocado to control laurel wilt; March 27, 2014 to March 27, 2017.

Georgia

Department of Agriculture

Specific exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; February 27, 2014 to December 31, 2014.

Specific exemption: EPA authorized the use of fluridone in cotton to control palmer amaranth; February 28, 2014 to August 31, 2014.

Idaho

Department of Agriculture

Specific exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; January 31, 2014 to December 31, 2014.

Iowa

Department of Agriculture

Specific exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; January 23, 2014 to December 31, 2014.

Illinois

Department of Agriculture

Specific exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; January 17, 2014 to December 31, 2014.

Kansas

Department of Agriculture

Specific exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; February 27, 2014 to December 31, 2014.

Louisiana

Department of Agriculture and Forestry

Specific exemption: EPA authorized the use of anthraquinone on rice seed to repel blackbirds; February 20, 2014 to June 1, 2014.

Maryland

Department of Agriculture

Specific exemption: EPA authorized the use of thiabendazole in mushroom houses to control trichoderma green mold; January 17, 2014 to January 17, 2015.

Michigan

Department of Agriculture and Rural Development

Specific exemption: EPA authorized the use of kasugamycin on apples to control fire blight; March 28, 2014 to May 31, 2014. The applicant proposed the use of a new chemical which has not been registered by EPA; therefore, a Notice of Receipt was published in the **Federal Register** on February 24, 2014 (79 FR 10142) (FRL 9906–18). Kasugamycin is needed to control streptomycin-resistant strains of *Erwinia amylovora,* the causal pathogen of fire blight, due to the lack of available alternatives and effective control practices. Without the use of kasugamycin and if weather conditions are present which favor a fire blight epidemic, it is likely that Michigan apple growers could suffer yield losses of 50% or more.

Specific exemption: EPA authorized the use of potassium salt of hop beta acids inbeehives to control varroa mite; February 27, 2014 to December 31, 2014.

Minnesota

Department of Agriculture

Specific exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; February 27, 2014 to December 31, 2014.

New York

Department of Environmental Conservation

Specific exemption: EPA authorized the use of potassium salt of hop beta acids inbeehives to control varroa mite; March 12, 2014 to December 31, 2014.

North Carolina

Department of Agriculture and Consumer Services

Specific exemption: EPA authorized the use of fluridone in cotton to control palmer amaranth; February 28, 2014 to August 31, 2014.

Oregon

Department of Agriculture

Specific exemption: EPA authorized the use of fenoxaprop-p-ethyl in grasses grown for seed to control grassy weeds; January 17, 2014 to September 15, 2014.

Specific exemption: EPA authorized the use of potassium salt of hop beta acids inbeehives to control varroa mite; February 27, 2014 to December 31, 2014.

Pennsylvania

Department of Agriculture

Specific exemption: EPA authorized the use of thiabendazole in mushroom houses to control trichoderma green mold; January 17, 2014 to January 17, 2015.

South Carolina

Department of Pesticide Regulation

Specific exemption: EPA authorized the use of fluridone in cotton to control palmer amaranth; February 28, 2014 to August 31, 2014.

Specific exemption: EPA authorized the use of potassium salt of hop beta acids inbeehives to control varroa mite; March 12, 2014 to December 31, 2014.

Tennessee

Department of Agriculture

Specific exemption: EPA authorized the use of fluridone in cotton to control palmer amaranth; February 28, 2014 to August 31, 2014.

Texas

Department of Agriculture

Specific exemption: EPA authorized the use of flutriafol on cotton to control cotton root rot; effective date February 1, 2014 to June 30, 2014.

Specific exemption: EPA authorized the use of potassium salt of hop beta acids inbeehives to control varroa mite; February 27, 2014 to December 31, 2014.

Washington

State Department of Agriculture

Specific exemption: EPA authorized the use of potassium salt of hop beta acids inbeehives to control varroa mite; January 1, 2014 to December 31, 2014.

Wisconsin

Department of Agriculture, Trade and Consumer Protection

Specific exemption: EPA authorized the use of potassium salt of hop beta acids inbeehives to control varroa mite; March 12, 2014 to December 31, 2014.

Wyoming

Department of Agriculture

Specific exemption: EPA authorized the use of potassium salt of hop beta acids inbeehives to control varroa mite; February 27, 2014 to December 31, 2014.

B. Federal Departments and Agencies

U.S. Department of Agriculture

Animal and Plant Health Inspector Service

Quarantine exemption: EPA authorized the use of methyl bromide on post-harvest unlabeled imported/domestic commodities to prevent the introduction/spread of any new or recently introduced foreign pest(s) to any U.S. geographical location; March 1, 2014 to March 1, 2017.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 9, 2014.

G. Jeffrey Herndon,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–11222 Filed 5–15–14; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 2014–0029]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP088703XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States (''Ex-Im Bank''), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of $100 million (as calculated in accordance with Section 3(c)(10) of the Charter).

Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction. Comments received will be made available to the public.

DATES: Comments must be received on or before June 10, 2014 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

ADDRESSES: Comments may be submitted through Regulations.gov at *WWW.REGULATIONS.GOV.* To submit a comment, enter EIB–2014–0029 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2014–0029 on any attached document.

Reference: AP088703XX.

Purpose and Use: Brief description of the purpose of the transaction: To support the export of U.S.-manufactured commercial aircraft to Thailand.

Brief non-proprietary description of the anticipated use of the items being exported: To be used for long-haul passenger air service between Thailand and other countries. To the extent that Ex-Im Bank is reasonably aware, the item(s) being exported may be used to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties: Principal Supplier: The Boeing Company.

Obligor: Thai Airways International Public Company Limited.

Guarantor(s): N/A.

Description of Items Being Exported: Boeing 777 aircraft.

Information on Decision: Information on the final decision for this transaction will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/*

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Cristopolis Dieguez,

Business Compliance Analyst, Office of the General Counsel.

[FR Doc. 2014–11374 Filed 5–15–14; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meetings

May 13, 2014.

TIME AND DATE: 10 a.m., Thursday, May 29, 2014.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (entry from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Brody Mining, LLC* v. *Secretary of Labor,* Docket Nos. WEVA 2014–82–R, et al. (Issues include whether the Secretary's pattern of violations (POV) rule is facially valid, whether notice-and-comment rulemaking was required to establish POV screening criteria, and whether the Secretary impermissibly applied the POV rule retroactively.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 434–9950/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Emogene Johnson,

Administrative Assistant.

[FR Doc. 2014–11462 Filed 5–14–14; 11:15 am]

BILLING CODE 6735–01–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 June 2, 2014.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Scott David Bormann, Douglas Lee Bormann, both of Parkston, South Dakota, and Shirley Jean Altenhofen,* Harper, Iowa, individually and as trustees of the Bormann Family Trust, Parkston, South Dakota; to retain voting shares of Parkston Investment Company, and thereby indirectly retain voting shares of Farmers State Bank, both in Parkston, South Dakota.

In addition, *the Bormann Family Trust, James D. Bormann, Parkston, South Dakota, Angela Marie Bormann, Sioux Falls, South Dakota, and Michael Aaron Bormann,* Parkston, South Dakota, all to become members of the Bormann Family Shareholders Group, and retain voting shares of Parkston Investment Company, and thereby indirectly retain voting shares of Farmers State Bank, both in Parkston, South Dakota.

B. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Barkat Ali,* Southlake, Texas; to acquire voting shares of Riverbend Financial Corporation, and thereby indirectly acquire voting shares of Riverbend Bank, both in Fort Worth, Texas.

Board of Governors of the Federal Reserve System, May 13, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–11314 Filed 5–15–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Preparedness and Response Science Board (Previously Known as the ''National Biodefense Science Board'') Call for Nominees

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Office of the Secretary is accepting application submissions from qualified individuals who wish to be considered for membership on the National Preparedness and Response Science Board (NPRSB), previously known as the National Biodefense Science Board; seven members have membership expiration dates of December 31, 2014; therefore, seven new voting members will be selected for the Board. Nominees are being accepted in the following categories: Industry, academia, practicing healthcare, pediatrics, and organizations representing other appropriate stakeholders. Please visit the NPRSB Web site at *www.phe.gov/nprsb* for all application submission information and instructions. All members of the public are encouraged to apply.

DATES: The deadline for all application submissions is June 15, 2014, at 11:59 p.m.

FOR FURTHER INFORMATION CONTACT: Please submit any inquiries to CAPT Charlotte Spires, DVM, MPH, DACVPM, Executive Director and Designated Federal Official, National Preparedness and Response Science Board, Office of the Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services, Thomas P. O'Neill Federal Building, Room number 14F18, 200 C St. SW., Washington, DC 20024; Office: 202–260–0627, Email address: *charlotte.spires@hhs.gov.*

SUPPLEMENTARY INFORMATION: The NPRSB is authorized under Section 319M of the Public Health Service (PHS) Act (42 U.S.C. 247d–7f) as added by Section 402 of the Pandemic and All-Hazards Preparedness Act (PAHPA) of 2006 and amended by Section 404 of the Pandemic and All Hazards Preparedness Reauthorization Act and Section 222 of the PHS Act (42 U.S.C. 217a). The Board provides expert advice and guidance to the Secretary on scientific, technical, and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate. The Board also provides advice and guidance to the Secretary and/or the Assistant Secretary for Preparedness and Response (ASPR) on other matters related to public health emergency preparedness and response.

Description of Duties: The Board shall advise the Secretary and/or ASPR on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents. At the request of the Secretary and/or ASPR, the Board shall review and consider any information and findings received from the working groups established under 42 U.S.C. 247d–7f(b). At the request of the Secretary and/or ASPR, the Board shall provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities. The Board shall also provide any recommendation, finding, or report provided to the Secretary on these matters to the appropriate committees of Congress. Additional advisory duties concerning public health emergency preparedness and response may be assigned at the discretion of the Secretary and/or ASPR.

Structure: The Board shall consist of 13 voting members, including the Chairperson; additionally, there may be non-voting ex officio members. Pursuant to 42 U.S.C. 247d–7f(a), members and the Chairperson shall be appointed by the Secretary from among the nation's preeminent scientific, public health, and medical experts as follows: (a) Such federal officials as the Secretary determines are necessary to support the functions of the Board; (b) four individuals from the pharmaceutical, biotechnology, and device industries; (c) four individuals representing academia; and (d) five other members as determined appropriate by the Secretary, one of whom must be a practicing health care professional; one of whom shall be an individual from an organization representing health care consumers; one of whom shall be an individual with pediatric subject matter expertise; and one of whom shall be a state, tribal, territorial, or local public health official. Nothing in the membership requirements shall preclude a member of the Board from satisfying two or more of these requirements described in item (d). A member of the Board described in (b), (c), and (d) shall serve for a term of three years, and may serve not more than two consecutive terms.

Members who are not full-time or permanent part-time federal employees shall be appointed by the Secretary as Special Government Employees.

Dated: May 8, 2014.

Nicole Lurie,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2014–11310 Filed 5–15–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0879]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its

continuing effort to reduce public 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. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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. Written comments should be received within 60 days of this notice.

Proposed Project

Surveys of State, Tribal, Local, and Territorial (STLT) Governmental Agencies (OMB Control No. 0920–0879, Exp. 4/30/2017)—Revision—Office of the Director, Office for State, Tribal Local and Territorial Support (OSTLTS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the Department of Health and Human Services is to help provide the building blocks that Americans need to live healthy, successful lives. As part of HHS, CDC's mission is to create the expertise, information, and tools that people and communities need to protect their health—through health promotion, prevention of disease, injury and disability, and preparedness for new health threats. CDC and HHS seek to accomplish its mission by collaborating with partners throughout the nation and the world to: Monitor health, detect and investigate health problems, conduct research to enhance prevention, develop and advocate sound public health policies, implement prevention strategies, promote healthy behaviors, foster safe and healthful environments, and provide leadership and training.

CDC is requesting a three-year approval for a generic clearance to collect information related to domestic public health issues and services that affect and/or involve state, tribal, local and territorial (STLT) government entities. HHS, specifically the Office of the Assistant Secretary for Planning and Evaluation (ASPE), will be a new user for this generic clearance.

The respondent universe is comprised of STLT governmental staff or delegates acting on behalf of a STLT agency involved in the provision of essential public health services in the United States. Delegate is defined as a governmental or non-governmental agent (agency, function, office or individual) acting for a principal or submitted by another to represent or act on their behalf. The STLT agency is represented by a STLT entity or delegate with a task to protect and/or improve the public's health.

Information will be used to assess situational awareness of current public health emergencies; make decisions that affect planning, response and recovery activities of subsequent emergencies; fill CDC and HHS gaps in knowledge of programs and/or STLT governments that will strengthen surveillance, epidemiology, and laboratory science; improve CDC's support and technical assistance to states and communities. CDC and HHS will conduct brief data collections, across a range of public health topics related to essential public health services.

CDC estimates up to 30 data collections with STLT governmental staff or delegates, and 10 data collections with local/county/city governmental staff or delegates will be conducted on an annual basis. It is also estimated that HHS/ASPE may submit up to three data collections with STLT governmental or staff delegates annually. Ninety-five percent of these data collections will be Web-based and five percent telephone, in-person, and focus groups. The total annualized burden of 54,000 hours is based on the following estimates.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent type	Average burden per respondent (in hours)	Total burden hours
State, Territorial, or Tribal government staff or delegate.	Web, telephone, in-person, focus group.	800	30	1	24,000
Local/County/City government staff or delegate.	Web, telephone, in-person, focus group.	3,000	10	1	30,000
Total					54,000

LeRoy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–11312 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0975]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public 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. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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. Written comments should be received within 60 days of this notice.

Proposed Project

Virtual Reality to Train and Assess Emergency Responders (OMB No. 0920–0975, expires 07/31/2016)—Revision—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NIOSH, under Public Law 91–173 as amended by Public Law 95–164 (Federal Mine Safety and Health Act of 1977), and Public Law 109–236 (Mine Improvement and New Emergency Response Act of 2006) has the responsibility to conduct research to improve working conditions and to prevent accidents and occupational diseases in underground coal and metal/nonmetal mines in the U.S.

The turn of the 21st century started with much promise for the coal mining industry. Because there was only one underground disaster in the 1990s, it seemed that emergency response in the United States no longer needed to be a top research priority. However, major coal mine disasters between 2001 and 2010 have resulted in 65 fatalities. These events highlighted the critical need to balance investments to reduce low probability/high severity events with those that focus on frequent, but less severe injuries and illnesses.

The present research project seeks to determine optimal use of virtual reality (VR) technologies for training and assessing mine emergency responders using the Mine Rescue and Escape Training Laboratory (MRET Lab). Responders include specially trained individuals, such as mine rescue or fire brigade team members, and also managers and miners who may either be called upon to respond to an emergency situation or engage in self-protective actions in response to an emergency. This project is a step toward determining how new immersive virtual reality technologies should be used for miner training and testing in the US.

The project objective will be achieved through specific aims in two related areas as illustrated below.

Training Assessment

1. Evaluate four training modules.
2. Evaluate participant reactions.
3. Develop guidelines.

Training Development

4. Use 3D technologies to develop a prototype for a mine rescue closed-circuit breathing apparatus (e.g., Dräger BG4).

To accomplish these goals over the life of the project, researchers will utilize a variety of data collection strategies, including self-report pre- and post-test instruments for assessing trainee reaction and measuring learning. Data collection will take place with approximately 210 underground coal miners over three years. The respondents targeted for this study include rank-and-file miners, mine rescue team members, and mine safety and health professionals. A sample of 210 individuals will be collected from various mining operations and mine rescue teams which have agreed to participate. All participants will be between the ages of 18 and 65, currently employed, and living in the United States. Findings will be used to improve the safety and health of underground coal miners by assessing the efficacy of immersive VR environments for teaching critical mine safety and health skills.

To assess learning as a result of training, each participant will complete a pre-training questionnaire, a post-simulation questionnaire, and a post-training questionnaire. Participants evaluating the closed-circuit breathing apparatus training will only complete a version of the pre-training questionnaire. There is no cost to respondents other than their time.

As stated previously in the previously approved information collection request, research activities involving rank-and-file underground coal miners who participate in the mine escape training may occur at either the MRET Lab or in an off-site classroom or other typical instructional setting either at an above-ground mine safety training facility, mine administration building, or a university or academic environment (hereinto referenced as the ''classroom setting''). Having these two subsamples allows us to better assess uses for VR training applications, determine the potential additive value of training provided in the MRET Lab, and the potential benefits of adapting simulation-based mine emergency training to a broader audience. To accommodate an appropriate amount of mine escape participants for both the MRET Lab modules and classroom settings, we are requesting a revision in order to add 60 more participants to our 150 participant data collection cap,

which would ideally leave us with 30 BG4 participants, 60 mine rescue participants (MRET Lab), 60 mine escape participants (MRET Lab), and 60 mine escape participants (classroom setting), for a new grand total of 210 participants.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Dräger BG4 participants (i.e., closed circuit breathing apparatus training participants).	Pre-Training Questionnaire	30	1	3/60	2
Mine Rescue participants	Pre-Training Questionnaire	60	1	3/60	3
	Post-Simulation Questionnaire	60	1	3/60	3
	Post-Training Questionnaire	60	1	3/60	3
Mine Escape participants	Pre-Training Questionnaire	120	1	3/60	6
	Post-Simulation Questionnaire (MRET Lab version).	60	1	3/60	3
	Post-Simulation Questionnaire (Field Test Version).	60	1	3/60	3
	Post-Training Questionnaire	120	1	3/60	6
Mine Escape/Longwall Mining participants.	Pre/Post-Training Knowledge Test	60	1	6/60	6
Mine Escape/Continuous Mining participants.	Pre/Post-Training Knowledge Test	60	1	6/60	6
Mine Rescue/Longwall Mining participants.	Pre/Post-Training Knowledge Test	30	1	6/60	3
Mine Rescue/Continuous Mining participants.	Pre/Post-Training Knowledge Test	30	1	6/60	3
Total					47

LeRoy A. Richardson

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–11313 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–0006]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) 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; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) 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; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Statements in Support of Application of Waiver of Inadmissibility (0920–0006)—Extension—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 212(a)(1) of the Immigration and Nationality Act states that aliens with specific health related conditions are ineligible for admission into the United States. The Attorney General may waive application of this inadmissibility on health-related grounds if an application for waiver is filed and approved by the consular office considering the application for visa. CDC uses this application primarily to collect information to establish and maintain records of waiver applicants in order to notify the U.S. Citizenship and Immigration Services when terms, conditions and controls imposed by waiver are not met.

CDC is requesting approval from OMB to collect this data for another 3 years. There are no costs to respondents except their time to complete the application. The annualized burden for this data collection is 100 hours.

ESTIMATE OF ANNUALIZED BURDEN HOURS

Type of respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Physician	CDC 4.422–1	200	1	10/60
Physician	CDC 4.422–1a	200	1	20/60

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–11311 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Injury Prevention and Control (BSC, NCIPC)

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces, the following meeting of the aforementioned committee:

Times and Dates: 1:00 p.m.–3:15 p.m., June 5, 2014 (CLOSED). 9:00 a.m.–3:45 p.m., June 6, 2014 (OPEN).

Place: Centers for Disease Control and Prevention, 4770 Buford Highway NE., Chamblee Campus, Building 107, Conference Room 1–B 01206/1–C 01210, Atlanta, Georgia.

Status: Portions of the meeting as designated above will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Purpose: The Board will: (1) Conduct, encourage, cooperate with, and assist other appropriate public health authorities, scientific institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases, and other impairments; (2) assist States and their political subdivisions in preventing and suppressing communicable and non-communicable diseases and other preventable conditions and in promoting health and well-being; and (3) conduct and assist in research and control activities related to injury.

The Board of Scientific Counselors makes recommendations regarding policies, strategies, objectives, and priorities; and reviews progress toward injury prevention goals and provides evidence in injury prevention-related research and programs. The Board also provides advice on the appropriate balance of intramural and extramural research, the structure, progress and performance of intramural programs. The Board is designed to provide guidance on extramural scientific program matters, including the: (1) Review of extramural research concepts for funding opportunity announcements; (2) conduct of Secondary Peer Review of extramural research grants, cooperative agreements, and contracts applications received in response to the funding opportunity announcements as it relates to the Center's programmatic balance and mission; (3) submission of secondary review recommendations to the Center Director of applications to be considered for funding support; (4) review of research portfolios, and (5) review of program proposals.

Matters for Discussion: On the first day of the meeting (closed session to the public), the Board of Scientific Counselors will conduct the Secondary Peer Review of extramural research grant applications received in response to Funding Opportunity Announcement CE14–001, Grants for Injury Control Research Centers. Applications will be assessed for applicability to the Center's mission and programmatic balance. Recommendations from the secondary review will be voted upon and the applications will be forwarded to the Acting Center Director for consideration for funding support.

Open Session: On the second day of the meeting, the Board will discuss the following: (1) Update from the Acting Director, (2) update from the Pediatric Mild Traumatic Brain Injuries TBI Workgroup Activities, (3) update on WISQARS (Web-based Injury Statistics Query and Reporting System) Portfolio Review, and (4) specific research topics in unintentional injuries and violence-related injuries for which the Divisions will be seeking advice and guidance on proposed and/or current projects. The exact topics areas are being determined.

There will be 15 minutes allotted for public comments at the end of the open session.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Gwendolyn H. Cattledge, Ph.D., M.S.E.H., Deputy Associate Director for Science, NCIPC, CDC, 4770 Buford Highway NE., Mailstop F–63, Atlanta, Georgia 30341, Telephone (770) 488–1430.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11351 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Reduce Hepatitis Infections by Treatment and Integrated Prevention Services (Hepatitis-TIPS) among Non-urban Young Persons Who Inject Drugs, Funding Opportunity Announcement (FOA) PS14–004, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12:00 p.m.–5:00 p.m., June 10, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Reduce Hepatitis Infections by Treatment and Integrated Prevention Services (Hepatitis-TIPS) among Non-urban Young Persons Who Inject Drugs, FOA PS14–004, initial review.''

Contact Person for More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE., Mailstop E60, Atlanta, Georgia 30333, Telephone: (404) 718–8833.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11358 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Research on Integration of Injury Prevention in Health Systems, Funding Opportunity Announcement (FOA) CE14–004, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12:00 p.m.–7:00 p.m. EDT, June 3, 2014 (Closed).

Place: This meeting will be held by teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Research on Integration of Injury Prevention in Health Systems, FOA CE14–004.''

Contact Person for More Information: Jane Suen, Dr.P.H., M.S., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F63, Atlanta, Georgia 30341–3724, Telephone: (770) 488–4281.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11352 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Managing Epilepsy Well (MEW) Network Coordinating Center, Special Interest Projects (SIP)14–006; Managing Epilepsy Well (MEW) Collaborating Center, SIP14–007; and Testing New Communication Strategies to Improve Attitudes Toward Epilepsy, SIP14–008, Panel H, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 10:00 a.m.–5:00 p.m., June 3, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Managing Epilepsy Well (MEW) Network Coordinating Center, SIP14–006; Managing Epilepsy Well (MEW) Network Collaborating Center, SIP14–007; and Testing New Communication Strategies to Improve Attitudes Toward Epilepsy, SIP14–008, Panel H'', initial review.

Contact Person for More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11359 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns *Mycoplasma genitalium* Among Women Attending Family Planning and STD Clinics in the US: Assessing Burden, Risk Factors, Sequelae, Antibiotic Resistance, and Association with Treatment Outcomes, Special Interest Project (SIP)14–033; and Prospective Study of Immune Response to Chlamydial Infection to Inform Development of Rational Prevention Strategies, SIP14–034, Panel I, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 2:00 p.m.–6:00 p.m., June 4, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''*Mycoplasma genitalium* Among Women Attending Family Planning and STD Clinics in the US; Assessing Burden, Risk Factors, Sequelae, Antibiotic Resistance, and Association with Treatment Outcomes, SIP14–033; and Prospective Study of Immune Response to Chlamydial Infection to Inform Development of Rational Prevention Strategies, SIP14–034, Panel I, initial review.''

Contact Person for More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11364 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Expansion of WebPlus Tool to Retrieve Cancer Registry Data for use in Treatment Summaries for Cancer Survivors, Special Interest Projects (SIP)14–016; and Translating and Communicating the Science of Breast Cancer Prevention, SIP14–019, Panel J, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 10:00 a.m.–5:00 p.m., June 5, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Expansion of WebPlus Tool to Retrieve Cancer Registry Data for use in Treatment Summaries for Cancer Survivors, SIP14–016; and Translating and Communicating the Science of Breast Cancer Prevention, SIP14–019, Panel J, initial review.''

Contact Person for More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. 2014–11360 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Integrating Self-Management Training with Cancer Survivorship Care Planning, Special Interest Projects (SIP)14–015; Utilizing Data Linkages to Populate Treatment Summaries for Cancer Survivors, SIP14–017; and Skin Cancer Prevention: Finding Messages that Work to Reduce Incidental and Intentional UV Exposure SIP14–018, Panel B1, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 9:00 a.m.–6:00 p.m., June 3, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Integrating Self-Management Training with Cancer Survivorship Care Planning, SIP14–015; Utilizing Data Linkages to Populate Treatment Summaries for Cancer Survivors, SIP14–017; and Skin Cancer Prevention: Finding Messages that Work to Reduce Incidental and Intentional UV Exposure SIP14–018, Panel B1, initial review.''

Contact Person for More Information: Diana Bartlett, M.P.H., M.P.P., Health Scientist, CDC, 1600 Clifton Road, NE., Mailstop D–72, Atlanta, Georgia 30333, Telephone: (404) 639–4938, *ZXD5@CDC.GOV*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11354 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Healthy Brain Initiative Research Network (HBIN)—Coordinating Center, Special Interest Projects (SIP) 14–001, and Healthy Brain Initiative Network, (HBIN)—Collaborating Centers, SIP 14–002, Panel F, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 9:30 a.m.–5:00 p.m., June 2, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Healthy Brain Initiative Research Network (HBIN)—Coordinating Center, SIP 14–001, and Healthy Brain Initiative Network (HBIN)—Collaborating Centers, SIP 14–002 Panel F, initial review.''

Contact Person for More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11353 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Workplace Health Research

Network (WHRN)—Coordinating Center, Special Interest Projects (SIP)14–030; Workplace Health Research Network (WHRN)—Collaborating Centers, SIP14–031; and Evaluation of Work-Related Effects of the Chronic Disease Self-Management Program (CDSMP), SIP14–032, Panel K, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Times and Dates: 9:30 a.m.–6:00 p.m., June 9, 2014 (Closed); 9:30 a.m.–6:00 p.m., June 10, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Workplace Health Research Network (WHRN)—Coordinating Center, SIP14–030; Workplace Health Research Network (WHRN)—Collaborating Centers, SIP14–031; and Evaluation of Work-Related Effects of the Chronic Disease Self-Management Program (CDSMP), SIP 14–032, Panel K, initial review.''

Contact Person for More Information: Gwendolyn H. Cattledge, Ph.D., M.S.E.H., F.A.C.E., Deputy Associate Director for Science, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE., Mailstop F–63, Atlanta, Georgia 30341, Telephone: (770) 488–4655, *GXC8@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. 2014–11363 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Physical Activity Policy and Evaluation Research Network Plus (PAPRN+): Coordinating Center, Special Interest Projects (SIP)14–024, and Physical Activity Policy Research Network Plus (PAPRN+): Collaborating Center, SIP14–025, Panel L, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Times and Dates: 9:30 a.m.–6:00 p.m., June 11, 2014 (Closed). 9:30 a.m.–6:00 p.m., June 12, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Physical Activity Policy and Evaluation Research Network Plus (PAPRN+): Coordinating Center, (SIP)14–024, and Physical Activity Policy Research Network Plus (PAPRN+): Collaborating Center, SIP14–025, Panel L, initial review.''

Contact Person for More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11362 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Research Grants for Preventing Violence and Violence Related Injury, Funding Opportunity Announcement CE14–006, initial review.

SUMMARY: This document corrects a notice that was published in the **Federal Register** on April 29, 2014 (79 FR 23979). The time, date, and place should read as follows:

Time and Date: 10:30 a.m.–5:30 p.m., June 5–6, 2014 (Closed).

Place: CDC, 4770 Buford Highway NE., Conference Rooms 9A and 5A, Atlanta, Georgia 30341.

FOR FURTHER INFORMATION CONTACT: Donald Blackman, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F63, Atlanta, Georgia 30341, Telephone: (770) 488–0641, *DBlackman@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11356 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Facilitating the Evaluation of the Processes and Impacts of the State Driven Fall Prevention (SDFP) Project, Special Interest Project (SIP)14–020, Panel E1, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 10:00 a.m.–5:00 p.m., June 5, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Facilitating the Evaluation of the Processes and Impacts of the State Driven Fall Prevention (SDFP) Project, SIP14–020, Panel E1, initial review.''

Contact Person for More Information: Gwendolyn H. Cattledge, Ph.D., M.S.E.H., F.A.C.E., Deputy Associate Director for Science, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE., Mailstop F–63, Atlanta, Georgia 30341, Telephone: (770) 488–4655, *GXC8@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and

other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11365 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Council for the Elimination of Tuberculosis Meeting (ACET)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following council meeting.

Times and Dates: 8:30 a.m.–5:00 p.m., June 9, 2014; 8:30 a.m.–2:30 p.m., June 10, 2014.

Place: CDC, Corporate Square, Building 8, 1st Floor Conference Room, Atlanta, Georgia 30333, telephone (404) 639–8317. This meeting is also accessible by teleconference. Toll-free +1 (877) 927–1433, Participant code: 12016435.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Purpose: This council advises and makes recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the elimination of tuberculosis. Specifically, the Council makes recommendations regarding policies, strategies, objectives, and priorities; addresses the development and application of new technologies; and reviews the extent to which progress has been made toward eliminating tuberculosis.

Matters for Discussion: Agenda items include the following topics: (1) U.S. Preventive Services Task Force/Assessing Evidence for treatment of Latent Tuberculosis Infection (LTBI) as prevention; (2) TB screening activities in Federally Qualified Health Centers (FQHCs); (3) Advanced Molecular Detection (AMD); (4) Updates from Workgroups; and (5) other tuberculosis-related issues. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Margie Scott-Cseh, Centers for Disease Control and Prevention, 1600 Clifton Road NE., M/S E–07, Atlanta, Georgia 30333, telephone (404) 639–8317; Email: *zkr7@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11355 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Pilot Interventions to Promote the Health of People with Blood Disorders, FOA DD14–003, initial review.

SUMMARY: This document corrects a notice that was published in the **Federal Register** on March 19, 2014 (79 FR 15349–15350). The times and dates should read as follows:

Time and Date: 9:00 a.m.–3:30 p.m., April 8, 2014 (Closed)

FOR FURTHER INFORMATION CONTACT: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F46, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11357 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Public Health Communications: Culturally Relevant Messages and Strategies to Promote Awareness about Dementia, including Alzheimer's Disease, Special Interest Projects (SIP)14–003; Promoting Public Health Understanding of Dementia, SIP14–004; and Evaluating Cost Information about Alzheimer's Disease and Dementia, SIP14–005, Panel G, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 9:30 a.m.–4:00 p.m., June 6, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Public Health Communications: Culturally Relevant Messages and Strategies to Promote Awareness about Dementia, Including Alzheimer's Disease, SIP14–003; Promoting Public Health Understanding of Dementia, SIP14–004; and Evaluating Cost Information about Alzheimer's Disease and Dementia, SIP14–005, Panel G,'' initial review.

Contact Person for More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. 2014–11366 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Progestin Contraception and HIV Risk: Clinical and Laboratory Follow-up of a Cohort of HIV-Infected and Uninfected Women, Special Interest Project (SIP)14–023, Panel E, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 9:00 a.m.–1:00 p.m., June 4, 2014 (Closed)

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Progestin Contraception and HIV risk: Clinical and Laboratory Follow-up of a Cohort of HIV-Infected and Uninfected Women, SIP14–023, Panel E, initial review.''

Contact Person for More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–11361 Filed 5–15–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–718–721, CMS–222–92]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: The necessity and utility of the proposed information collection for the proper performance of the agency's functions; the accuracy of the estimated burden; ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by July 15, 2014.

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–718–721 Business Proposal Forms for Quality Improvement Organizations (QIOs)

CMS–222–92 Independent Rural Health Clinic/Freestanding Federally Qualified Health Center Cost Report

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a previously approved collection; *Title of Information Collection:* Business Proposal Forms for Quality Improvement Organizations (QIOs); *Use:* The submission of proposal information by current quality improvement associations (QIOs) and other bidders, on the appropriate forms, will satisfy our need for meaningful, consistent, and verifiable data with which to evaluate contract proposals. We use the data collected on the forms associated with this information collection request to negotiate QIO contracts. We will be able to compare the costs reported by the QIOs on the cost reports to the proposed costs noted on the business proposal forms. Subsequent contract and modification negotiations will be based on historic cost data. The business proposal forms will be one element of the historical cost data from which we can analyze future proposed costs. In addition, the business proposal format will standardize the cost proposing and pricing process among all QIOs. With well-defined cost centers and line items, proposals can be compared among QIOs for reasonableness and appropriateness. *Form Number:* CMS–718–721 (OMB control number: 0938–0579); *Frequency:* Annually; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 20; *Total Annual Responses:* 20; *Total Annual Hours:* 1,000. (For policy

questions regarding this collection contact Clarissa Whatley at 410–786–7154.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Independent Rural Health Clinic/Freestanding Federally Qualified Health Center Cost Report; *Use:* Providers of services participating in the Medicare program are required under sections 1815(a) and 1861(v)(1)(A) of the Social Security Act (42 U.S.C. 1395g) to submit annual information to achieve settlement of costs for health care services rendered to Medicare beneficiaries. In addition, regulations at 42 CFR 413.20 and 413.24 require adequate cost data and cost reports from providers on an annual basis. The Form CMS–222–92 cost report is needed to determine the provider's reasonable costs incurred in furnishing medical services to Medicare beneficiaries and reimbursement due to or due from the provider. *Form Number:* CMS–222–92 (OMB control number: 0938–0107); *Frequency:* Annually; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 3,264; *Total Annual Responses:* 3,264; *Total Annual Hours:* 163,200. (For policy questions regarding this collection contact Leonard Fisher at 410–786–4574.)

Dated: May 13, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–11391 Filed 5–15–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10203, CMS–10499 and CMS–10401]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *June 16, 2014.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *or* Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Health Outcomes Survey (HOS); *Use:* The collection of Medicare HOS is necessary to hold Medicare managed care contracts accountable for the quality of care they deliver to beneficiaries. This reporting requirement allows us to obtain the information necessary for proper oversight of the Medicare Advantage program. It is critical to our mission that we collect and disseminate valid and reliable information that can be used to improve quality of care through identification of quality improvement opportunities, assist us in carrying out our oversight responsibilities, and help beneficiaries make an informed choice among health plans. *Form Number:* CMS–10203 (OMB control number: 0938–0701); *Frequency:* Yearly; *Affected Public:* Individuals and households; *Number of Respondents:* 739,959; *Total Annual Responses:* 244,187; *Total Annual Hours:* 244,187. (For policy questions regarding this collection contact Kimberly DeMichele at 410–786–4286.)

2. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Public Health Agency/Registry Readiness to Support Meaningful Use; *Use:* The Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs provide incentives for the meaningful use of Certified Electronic Health Record Technology (CEHRT). We defined meaningful use as a set of objectives and measures in either Stage 1 or Stage 2 depending on how long an eligible provider has participated in the program. Both Stage 1 (3 objectives) and Stage 2 (5 objectives) of meaningful use contain objectives and measures that require eligible providers to determine the readiness of public health agencies and registries to receive electronic data from CEHRT. Public comments on the notice of proposed rulemaking for Stage 2 of meaningful use (77 FR 13697) asserted that the burden for each individual eligible provider to determine the readiness of multiple public health agencies and registries could be nearly eliminated if we were to maintain a database on the readiness of public health agencies and registries.

In the final rule for Stage 2 of meaningful use (77 FR 53967), we agreed that the burden on eligible providers, public health agencies and registries would be greatly reduced and established that we would create such a database and it would serve as the definitive information source for determining public health agency and registry readiness to receive electronic data associated with the public health meaningful use objectives. The information will be made publicly available on the CMS Web site (*www.cms.gov/EHRincentiveprograms*) in order to provide a centralized repository of this information to eligible providers and eliminate there multiple individual inquiries to multiple public health agencies and registries. *Form Number:* CMS–10499 (OMB control number: 0938—New); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 250; *Total Annual Responses:* 250; *Total Annual Hours:* 83. (For policy questions regarding this collection contact Kathleen Connors de Laguna at 410–786–2256.)

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Standards Related to Reinsurance, Risk Corridors, Risk Adjustment, and Payment Appeals; *Use:* The Affordable Care Act provides for three premium stabilization programs—a reinsurance program, a risk corridors program, and a risk adjustment program—to mitigate the negative impacts of adverse selection and market uncertainty. On March 23, 2012, we published the Premium Stabilization Rule (77 FR 17220) to implement and set standards for these premium stabilization programs. On March 11, 2013, we published the final Notice of Benefit and Payment Parameters for 2014 (''2014 Payment Notice'') (78 FR 15410), to implement requirements for various programs established by the Affordable Care Act, establish standards for the cost-sharing reduction program and the premium tax credit program, to provide for the collection of user fees from issuers to fund operations of the Federally-facilitated Exchange and the risk adjustment program in States where HHS operates risk adjustment, and to expand on standards set forth in the Premium Stabilization Rule. We published a proposed Notice of Benefit and Payment Parameters for 2015 (''2015 Payment Notice'') on December 02, 2013, to expand upon, modify, and clarify the provisions of the Premium Stabilization Rule, the 2014 Payment Notice, and the first and second final Program Integrity Rules (78 FR 54070 and 78 FR 65046).

The transitional reinsurance program and the temporary risk corridors program are designed to provide issuers with greater payment stability as insurance market reforms begin. The reinsurance program serves to reduce the uncertainty of insurance risk in the individual market in each State by making payments for high-cost enrollees. The HHS-administered risk corridors program serves to protect against rate-setting uncertainty with respect to qualified health plans by limiting the extent of issuer losses (and gains). The permanent risk adjustment program is intended to protect health insurance issuers that attract a disproportionate number of higher risk enrollees, that is, those with chronic conditions. These programs will support the effective functioning of the American Health Benefit Exchanges (''Exchanges''), which will become operational by January 1, 2014. The Exchanges are individual and small group health insurance marketplaces designed to enhance competition in the health insurance market and to expand access to affordable health insurance for millions of Americans. Individuals who enroll in qualified health plans (QHPs) through individual market Exchanges may receive premium tax credits to make health insurance more affordable and financial assistance to reduce cost sharing for health care services. The information collection requirements contained in this information collection request will enable States, HHS or both States and HHS to implement these programs, which will mitigate the impact of adverse selection in the individual and small group markets both inside and outside the Exchange.

Form Number: CMS–10401 (OMB control number: 0938–1155); *Frequency:* Occasionally; *Affected Public:* State, Local and Tribal governments, Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 2,520; *Total Annual Responses:* 15,600,081,744; *Total Annual Hours:* 17,469,624. (For policy questions regarding this collection contact Jaya Ghildyal at 301–492–5149.)

Dated: May 13, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–11388 Filed 5–15–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7032–CN]

Health Insurance Marketplace, Medicare, Medicaid, and Children's Health Insurance Programs; Meeting of the Advisory Panel on Outreach and Education (APOE), May 22, 2014; Corrections

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

ACTION: Correction notice.

SUMMARY: This notice corrects an error in the notice of meeting that published in the May 2, 2014 **Federal Register** titled ''Health Insurance Marketplace, Medicare, Medicaid, and Children's Health Insurance Programs; Meeting of the Advisory Panel on Outreach and Education (APOE), May 22, 2014.''

FOR FURTHER INFORMATION CONTACT: Kirsten Knutson, (410) 786–5886.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2014- 09989, which published in the May 2, 2014 **Federal Register** (79 FR 25133) titled ''Health Insurance Marketplace, Medicare, Medicaid, and Children's Health Insurance Programs; Meeting of the Advisory Panel on Outreach and Education (APOE), May 22, 2014'', there was an error that is identified and corrected in the Correction of Errors section of this correction notice.

II. Summary of Errors

On page 25134, we made an error in providing information regarding the public's offsite participation in the May 22, 2014 APOE meeting.

III. Correction of Errors

In FR Doc. 2014–09989 of May 2, 2014 (79 FR 25133), make the following correction:

1. On page 25134, first column, second paragraph (**ADDRESSES** section), line 21, the phrase ''engage virtually in the open meetings, this APOE meeting will be available to view via live Web streaming by visiting the link *www.cms.gov/live* during the designated time of the meeting.'' is corrected to read ''engage in the open meeting, this APOE meeting will be available for listening only via a conference call. To listen to the meeting, the public may dial 1–877–267–1577, then follow the instructions on the phone and enter the following meeting ID number, 996 925 940, followed by the pound sign.''

Authority: (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance, Program No. 93.774, Medicare—Supplementary Medical Insurance Program, and Program No. 93.714, Medical Assistance Program)

Dated: May 13, 2014.

Kathleen Cantwell,

Director, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–11380 Filed 5–15–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–N–0037]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Animal Drug User Fee Act Waivers and Reductions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by June 16, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0540. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Animal Drug User Fees and Fee Waivers and Reductions (OMB Control Number 0910–0540)—Extension

Enacted on November 18, 2003, the Animal Drug User Fee Act (ADUFA) (Pub. L. 108–130) amended the Federal Food, Drug, and Cosmetic Act and requires FDA to assess and collect user fees for certain applications, products, establishments, and sponsors. It also requires the Agency to grant a waiver from, or a reduction of those fees in certain circumstances. Thus, to implement this statutory provision of ADUFA, FDA developed a guidance entitled ''Guidance for Industry: Animal Drug User Fees and Fee Waivers and Reductions.'' This document provides guidance on the types of fees FDA is authorized to collect under ADUFA, and how to request waivers and reductions from FDA's animal drug user fees. Further, this guidance also describes the types of fees and fee waivers and reductions; what information FDA recommends be submitted in support of a request for a fee waiver or reduction; how to submit such a request; and FDA's process for reviewing requests.

Respondents to this collection of information are new animal drug sponsors. Requests for waivers or reductions may be submitted by a person paying any of the animal drug user fees assessed including application fees, product fees, establishment fees, or sponsor fees.

In the **Federal Register** of February 25, 2014 (79 FR 10532) FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden for this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
740(d)(1)(A); significant barrier to innovation.	45	1 time for each application	45	2	90
740(d)(1)(B); fees exceed cost	8	3.75	30	[2] 0.5	15
740(d)(1)(C); free choice feeds	5	1 time for each application	5	2	10
740(d)(1)(D); minor use or minor species.	76	1 time for each application	76	2	152
740(d)(1)(E); small business	3	1 time for each application	3	2	6
Request for reconsideration of a decision.	2	1 time for each application	2	2	4
Request for review—(user fee appeal officer).	0	1 time for each application	0	0	0
Total					277

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] 30 minutes.

Based on FDA's database system, from fiscal years 2010 to 2012 there were an estimated 173 sponsors subject to ADUFA. However, not all sponsors will have any submissions in a given year and some may have multiple submissions. The total number of waiver requests is based on the average number of submission types received by FDA in fiscal years 2010 to 2012.

Dated: May 12, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–11322 Filed 5–15–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0360]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Food and Drug Administration Safety Communication Readership Survey

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by June 16, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0341. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

FDA Safety Communication (Formerly Known as Public Health Notification) Readership Survey—(OMB Control Number 0910–0341)—(Extension)

Section 705(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 375(b)) gives FDA authority to disseminate information concerning suspected or imminent danger to public health by any regulated product. Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) also authorizes FDA to conduct research relating to health information.

FDA's Center for Devices and Radiological Health (CDRH) carries out FDA's regulatory responsibilities regarding medical devices and radiological products. CDRH must be able to effectively communicate risk to health care practitioners, patients, caregivers, and consumers when there is a real or suspected threat to the public's health. CDRH uses safety communications to transmit information concerning these risks to user communities. Safety communications are released and available to organizations such as hospitals, nursing homes, hospices, home health care agencies, manufacturers, retail pharmacies, and other health care providers, as well as patients, caregivers, consumers, and patient advocacy groups. Through a process for identifying and addressing postmarket safety issues related to regulated products, CDRH determines when to release safety communications.

FDA seeks to evaluate the clarity, timeliness, and impact of safety communications by surveying a sample of recipients to determine the impact of safety communications on the knowledge of the recipients. Understanding how the target audiences view these publications will aid in determining what, if any, changes should be considered in their content, format, and method of dissemination. The collection of this data is an important step in determining how well CDRH is communicating risk. The results from this survey will emphasize the quality of the safety communications and customer satisfaction. This will enable us to better serve the public by improving the effectiveness of safety communications.

We updated the title of the survey from ''FDA Public Health Notification Readership Survey'' to ''FDA Safety Communication Readership Survey'' to accurately reflect the information that is being collected.

In the **Federal Register** of February 10, 2014 (79 FR 7677), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Public Health Notification Readership Survey	300	3	900	0.17	153

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on the history of the Safety Communication program, it is estimated that an average of 3 collections will be conducted per year. The total burden of response time is estimated at 10 minutes per survey. This was derived by CDRH staff completing the survey.

Dated: May 12, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–11326 Filed 5–15–14; 8:45 am]

BILLING CODE 4160–01–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: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry A Study Section.
Date: June 9–10, 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: Mike Radtke, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301–435–1728, *radtkem@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function A Study Section.
Date: June 10–11, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue NW, Washington, DC 20037.
Contact Person: Nitsa Rosenzweig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7760, Bethesda, MD 20892, (301) 404–7419, *rosenzweign@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Oral, Dental and Craniofacial Sciences Study Section.
Date: June 11, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites Washington DC, Convention Center, 900 10th Street NW., Washington, DC 20001.
Contact Person: Yi-Hsin Liu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–435–1781, *liuyh@csr.nih.gov*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Learning and Memory Study Section.
Date: June 11, 2014.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW, Washington, DC 20015.
Contact Person: Wei-Qin Zhao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 5181 MSC 7846, Bethesda, MD 20892–7846, 301–435–1236, *zhaow@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Dissemination and Implementation Research in Health Study Section.
Date: June 11–12, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Woodland Hills/Los Angeles, 6360 Canoga Avenue, Woodland Hills, CA 91367.
Contact Person: Martha L Hare, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, Bethesda, MD 20892, (301) 451–8504, *harem@mail.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular Aspects of Diabetes and Obesity Study Section.
Date: June 11–12, 2014.
Time: 8:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.
Contact Person: Robert Garofalo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 6156, MSC 7892, Bethesda, MD, 20892, 301–435–1043, *garofalors@csr.nih.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Cancer Genetics Study Section.
Date: June 11, 2014.
Time: 8:00 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW, Washington, DC 20036.
Contact Person: Michael L Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, 301–451–0132, *bloomm2@mail.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Neural Basis of Psychopathology, Addictions and Sleep Disorders Study Section.
Date: June 11, 2014.
Time: 8:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Boris P. Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Acute Neural Injury and Epilepsy Study Section.
Date: June 11, 2014.
Time: 8:00 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suite DC Convention Center, 900 10th Street NW., Washington, DC 20001.
Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Kidney, Nutrition, Obesity and Diabetes Study Section.
Date: June 11–12, 2014.
Time: 8:30 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.
Contact Person: Fungai Chanetsa, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Societal and Ethical Issues in Research Study Section.
Date: June 11, 2014.
Time: 9:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.
Contact Person: Karin F. Helmers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3144, MSC 7770, Bethesda, MD 20892, (301) 254–9975, *helmersk@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 12, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11246 Filed 5–15–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel. NIDDK R13 Conference Grant Applications

Date: June 17, 2014.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6707 Democracy Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Novel Methods for Measurement of Organ Fibrosis in Kidney, Bone Marrow and Urological Diseases (U01).

Date: June 23–24, 2014.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Residence Inn, Marriott, 7335 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, PAR–14–064: Research Using Subjects from Selected Type 1 Diabetes Clinical Studies (DP3).

Date: July 2, 2014.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dianne Camp, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–7682, *campd@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, U54 Urology Research Center Applications.

Date: July 14–15, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: May 12, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11250 Filed 5–15–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel NIDCR Secondary Data Analysis R03 review.

Date: June 17, 2014.

Time: 10:00 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 (Telephone Conference Call).

Contact Person: Jayalakshmi Raman, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, One Democracy Plaza, Room 670, Bethesda, MD 20892–4878, 301–594–2904, *ramanj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: May 12, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11247 Filed 5–15–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Webinar Meeting

SUMMARY: Pursuant to the NIH Reform Act of 2006 (42 U.S.C. 281(d)(4)), notice is hereby given that the National Institute on Drug Abuse (NIDA) will host a meeting to enable public discussion on the Institute's proposal to reorganize its extramural program in establishment of a Division of Extramural Research.

DATES: This public meeting will take place on May 30, 2014 at 2 p.m., with attendance limited to space available.

ADDRESSES: Webex Meeting via: *https://nida-events.webex.com/nida-events/onstage/g.php?d=660244762&t=a.* Participants are encouraged to join this meeting at the link provided at least 20 minutes prior to the scheduled start time.

Instructions for joining the event can be found below:

1. Enter the Web url above into your web browser address bar and hit enter.
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: Friday5!
4. Click ''Join.''

For audio support to this event, the audio conference information is as follows:

Phone Number: 1–866–842–0779.

Participant Code No. 4459104.

Any interested person may file written comments by sending an email to *NIDADERComment@mail.nih.gov*, by June 3, 2014. The statement should include the individual's name, contact information and, when applicable, professional affiliation.

FOR FURTHER INFORMATION CONTACT: Dave Daubert, Deputy Executive Officer, National Institute on Drug Abuse, Office of Management, 6001 Executive Boulevard, NSC Building, Room 5274, Bethesda, MD 20892, 301–402–1652, *daubert@nih.gov.*

SUPPLEMENTARY INFORMATION: The agenda for this meeting will consist of updates made to the proposed

reorganization plans for the NIDA extramural program in establishment of a Division of Extramural Research based on initial discussions, public comment and feedback at the NIDA Advisory Council on Drug Abuse Meeting on May 7th. The proposal seeks to clearly delineate functions and streamline the services provided within the Office of the Director, as well as capitalize on emerging scientific opportunities, while reducing barriers to scientific and interdisciplinary collaboration.

Members of the public wishing to attend must view the discussion via webex link *https://nida-events.webex.com/nida-events/onstage/g.php?d=660244762&t=a* and enter the audio conference information above from their telephone. Upon opening the link provided, please contact your IT support group for assistance in uploading any necessary drivers (e.g. MBR2 player) prior to the start of this event.

Dated: May 8, 2014.

Nora Volkow,

Director, National Institute on Drug Abuse, National Institutes of Health.

[FR Doc. 2014–11253 Filed 5–15–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Advisory Committee to the Director, National Institutes of Health.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in 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: Advisory Committee to the Director, National Institutes of Health.

Date: June 5–6, 2014.

Open: June 05, 2014, 9:00 a.m. to 4:15 p.m.

Agenda: NIH Director's Report, NIH Updates, and other business of the committee.

Place: National Institutes of Health, Building 1, Room 126, 1 Center Drive, Bethesda, MD 20892.

Closed: June 05, 2014, 4:15 p.m. to 5:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 1, Room 126, 1 Center Drive, Bethesda, MD 20892.

Open: June 06, 2014, 9:00 a.m. to 12:00 p.m.

Agenda: ACD Working Group reports, NIH updates, and other business of the committee.

Place: National Institutes of Health, Building 1, Room 126, 1 Center Drive, Bethesda, MD 20892.

Contact Person: Gretchen Wood, Staff Assistant, National Institutes of Health, Office of the Director, One Center Drive, Building 1, Room 103, Bethesda, MD 20892, 301–496–4272, *woodgs@od.nih.gov.*

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://acd.od.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: May 12, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11251 Filed 5–15–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of 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 open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract 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 Diabetes and Digestive and Kidney Diseases Initial Review Group Kidney, Urologic and Hematologic Diseases D Subcommittee.

Date: June 18–19, 2014.

Open: June 18, 2014, 8:00 a.m. to 8:30 a.m.

Agenda: To review policy and procedures.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: June 18, 2014, 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: June 19, 2014, 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Barbara A. Woynarowska, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group Diabetes, Endocrinology and Metabolic Diseases B Subcommittee.

Date: June 18–20, 2014.

Open: June 18, 2014, 3:00 p.m. to 3:30 p.m.

Agenda: To review policy and procedures.

Place: The Palmer House Hilton, 17 East Monroe Street, Chicago, IL 60603.

Closed: June 18, 2014, 3:30 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Palmer House Hilton, 17 East Monroe Street, Chicago, IL 60603.

Closed: June 19, 2014, 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Palmer House Hilton, 17 East Monroe Street, Chicago, IL 60603.

Closed: June 20, 2014, 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Palmer House Hilton, 17 East Monroe Street, Chicago, IL 60603.

Contact Person: John F. Connaughton, Ph.D., Chief, Chartered Committees Section, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7797, *connaughtonj@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group Digestive Diseases and Nutrition C Subcommittee.

Date: June 26–27, 2014.

Open: June 26, 2014, 8:00 a.m. to 8:30 a.m.

Agenda: To review policy and procedures.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: June 26, 2014, 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: June 27, 2014, 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Robert Wellner, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 706, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, *rw175w@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: May 12, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11248 Filed 5–15–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2014–0352]

Merchant Marine Personnel Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee Teleconference Meeting.

SUMMARY: The Merchant Marine Personnel Advisory Committee (MERPAC) will meet, via teleconference, to discuss Task Statement 80, concerning crew training requirements onboard vessels subject to the International Code of Safety for ships using gases or low flashpoint fuels (IGF Code). This meeting will be open to the public.

DATES: The teleconference meeting will take place on June 10, 2014, from 1 p.m. until 3 p.m. EST. Please note that this meeting may adjourn early if all business is finished. Written comments for distribution to committee members and inclusion on the MERPAC Web site must be submitted on or before June 3, 2014. Members of the public wishing to attend must register with Mr. Davis Breyer, ADFO of MERPAC no later than June 3, 2014. Contact Mr. Breyer as indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than June 3, 2014 to register as a speaker.

ADDRESSES: To participate by phone, contact the Alternate Designated Federal Officer (ADFO) listed below in the **FOR FURTHER INFORMATION CONTACT** section to obtain teleconference information. Note the number of teleconference lines is limited and will be available on a first-come, first-served basis. To join those participating in this teleconference from U.S. Coast Guard Headquarters, come to Room 6J07–02, 2703 Martin Luther King Jr Ave. SE., Washington, DC 20593–7509. Due to security at the Coast Guard Headquarters building, members of the public wishing to attend must register with Mr. Davis Breyer, ADFO of MERPAC, at (202) 372–1445 or *davis.j.breyer@uscg.mil.* All visitors to Coast Guard Headquarters must provide identification in the form of a Government issued picture identification card for access to the facility. Please arrive at least 30 minutes before the planned start of the meeting in order to pass through security.

For information on facilities or services for individuals with disabilities or to request special assistance, contact the Alternate Designated Federal Officer (ADFO) listed below in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the committee as listed in the ''Agenda'' section below. Written comments must be identified by Docket No. USCG–2014–0352 submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *Fax:* 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., Monday through Friday, except Federal Holidays. The telephone number is 202–366–9329.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://regulations.gov*, including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov*, enter the docket number in the ''Search'' field and follow the instructions on the Web site.

A public oral comment period will be held after the working group report. Speakers are requested to limit their comments to 3 minutes. Please note that the public oral comment period will end following the last call for comments. This notice may be viewed in our online docket, USCG–2014–0352, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Davis Breyer, Alternate Designated Federal Officer (ADFO), telephone 202–372–1445, or at *davis.j.breyer@uscg.mil.* If you have any questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act (FACA), Title 5, United States Code, Appendix (Pub. L. 92–463).

MERPAC is an advisory committee established under the Secretary's authority in section 871 of the Homeland Security Act of 2002, Title 6, United States Code, section 451, and chartered under the provisions of the FACA. The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security (DHS) through the Commandant of the Coast Guard and the Director of Commercial Regulations and Standards on matters relating to personnel in the U.S. merchant marine, including but not limited to training, qualifications, certification, documentation, and fitness standards. The Committee will advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

A copy of all meeting documentation is available at *https://homeport.uscg.mil* by using these key strokes: Missions; Port and Waterways Safety; Advisory Committees; MERPAC; and then use the Announcements key. Alternatively, you may contact Mr. Breyer as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Agenda

The agenda for the June 10, 2014 committee teleconference meeting is as follows:

(1) Introduction;

(2) Roll call of committee members and determination of a quorum;

(3) Designated Federal Officer (DFO) announcements;

(4) Report from the Task Statement 80 working group, concerning crew training requirements onboard vessels subject to the International Code of Safety for ships using gases or low flashpoint fuels (IGF Code).

(5) Public comment period/ presentations.

(6) Discussion of working group recommendations. The committee will review the information presented on this issue, deliberate on any recommendations presented by the working group and approve/formulate recommendations for the Department's consideration. Official action on these recommendations may be taken on this date.

(7) Closing remarks.

(8) Adjournment of meeting.

Dated: May 13, 2014.

F.J. Sturm,

Acting Director of Commercial Regulations and Standards.

[FR Doc. 2014–11416 Filed 5–15–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0316]

National Boating Safety Advisory Council; Vacancy

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the National Boating Safety Advisory Council (NBSAC). This Council advises the Coast Guard on recreational boating safety regulations and other major boating safety matters.

DATES: Completed applications should reach the Coast Guard on or before June 16, 2014.

ADDRESSES: Applicants should send their cover letter and resume via one of the following methods:

- By mail: Commandant (CG–BSX–2)/ NBSAC, *Attn:* Mr. Jeff Ludwig, U.S. Coast Guard, 2703 Martin Luther King Ave. SE., Stop 7581, Washington, DC 20593–7581.
- By email: *jeffrey.a.ludwig@uscg.mil.*

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Ludwig, ADFO of National Boating Safety Advisory Committee; telephone 202–372–1061 or email at *jeffrey.a.ludwig@uscg.mil.*

SUPPLEMENTARY INFORMATION: The National Boating Safety Advisory Council (NBSAC) is a federal advisory committee under the *Federal Advisory Committee Act,* 5 U.S.C. Appendix, Public Law 92–463, 86 Stat. 770 as amended. It was established under authority of 46 U.S.C. 13110 and advises the Coast Guard on boating safety regulations and other major boating safety matters. NBSAC has 21 members: Seven representatives of State officials responsible for State boating safety programs, seven representatives of recreational boat manufacturers and associated equipment manufacturers, and seven representatives of national recreational boating organizations and the general public, at least five of whom are representatives of national recreational boating organizations. Members are appointed by the Secretary of the Department of Homeland Security.

The Council usually meets at least twice each year at a location selected by the Coast Guard. It may also meet for extraordinary purposes. Subcommittees or working groups may also meet to consider specific problems. We will consider applications received in response to this notice for the position that was vacated on April 2, 2014: One representative of State officials responsible for state boating safety programs. The appointee for this position will serve the remainder of the previous member's term, which expires December 31, 2015.

Applicants are considered for membership on the basis of their particular expertise, knowledge, and experience in recreational boating safety. Appointments for the 2014 vacancies remain pending. The 2014 vacancies were announced in the **Federal Register** on January 9, 2013 (78 FR 1865). Any applicant who applied for one of the ''State officials responsible for state boating safety programs'' vacancies a will automatically be considered for this additional vacancy and does not need to submit another application. Similarly, any applicant who applied for one of the 2015 vacancies for ''State officials responsible for state boating safety programs'' announced in the **Federal Register** on March 11, 2014 (79 FR 13664) will automatically be considered for this additional vacancy and does not need to submit another application. Individuals, who submitted an application for any year prior to 2014, are asked to re-submit an application if the individual wishes to apply for any of the vacancies announced in this notice.

To be eligible, you should have experience in one of the categories listed above. Registered lobbyists are not eligible to serve on Federal advisory committees. Registered lobbyists are lobbyists required to comply with provisions contained in The Lobbying Disclosure Act of 1995 (Pub. L. 104–65; as amended by Title II of Pub. L. 110–81). Member may be considered to serve consecutive terms. Member serves at their own expense and receives no salary, or other compensation from the Federal Government. The exception to this policy is when attending NBSAC meetings; member may be reimbursed for travel expenses and provided per diem in accordance with Federal Travel Regulations.

The Department of Homeland Security (DHS) does not discriminate in selection of Council members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. DHS strives to achieve a widely diverse candidate pool for all of its recruitment actions.

If you are interested in applying to become a member of the Committee,

send your cover letter and resume to Mr. Jeff Ludwig, Alternate Designated Federal Officer (ADFO) of NBSAC by email or mail according to the instructions in the **ADDRESSES** section by the deadline in the **DATES** section of this notice. Specify your area of expertise that qualifies you to serve on NBSAC. Note that during the vetting process, applicants may be asked to provide date of birth and social security number. All email submittals will receive email receipt confirmation.

To visit our online docket, go to *http://www.regulations.gov.* Enter the docket number for this notice (USCG–2010–0316) in the Search box, and click ''Search.'' Please do not post your resume or OGE–450 Form on this site.

Dated: May 8, 2014.

Jonathan C. Burton,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2014–11403 Filed 5–15–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0098]

Agency Information Collection Activities: NAFTA Regulations and Certificate of Origin

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: NAFTA Regulations and Certificate of Origin. 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 July 15, 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: NAFTA Regulations and Certificate of Origin.

OMB Number: 1651–0098.

Form Number: CBP Forms 434, 446, and 447.

Abstract: On December 17, 1992, the U.S., Mexico and Canada entered into an agreement, ''The North American Free Trade Agreement'' (NAFTA). The provisions of NAFTA were adopted by the U.S. with the enactment of the North American Free Trade Agreement Implementation Act of 1993 (PL. 103–182).

CBP Form 434, *North American Free Trade Certificate of Origin,* is used to certify that a good being exported either from the United States into Canada or Mexico or from Canada or Mexico into the United States qualifies as an originating good for purposes of preferential tariff treatment under NAFTA. This form is completed by exporters and/or producers and furnished to CBP upon request. CBP Form 434 is provided for by 19 CFR 181.11 and is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%20434.pdf.*

CBP Form 446, *NAFTA Verification of Origin Questionnaire,* is a questionnaire that CBP personnel use to gather sufficient information from exporters and/or producers to determine whether goods imported into the United States qualify as originating goods for the purposes of preferential tariff treatment under NAFTA. CBP Form 446 is provided for by 19 CFR 181.72 and is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%20446.pdf.*

CBP Form 447, *North American Free Trade Agreement Motor Vehicle Averaging Election,* is used to gather information required by 19 CFR 181 Appendix, Section 11, (2) ''Information Required When Producer Chooses to Average for Motor Vehicles''. This form is provided to CBP when a manufacturer chooses to average motor vehicles for the purpose of obtaining NAFTA preference. CBP Form 447 is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%20447.pdf*

Current Actions: This submission is being made to extend the expiration date for CBP Forms 434, 446, and 447.

Type of Review: Extension (without change).

Affected Public: Businesses

Form 434, NAFTA Certificate of Origin

Estimated Number of Respondents: 40,000.

Estimated Number of Responses per Respondent: 3.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 30,000.

Form 446, NAFTA Questionnaire

Estimated Number of Respondents: 400.

Estimated Number of Responses per Respondent: 1.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 300.

Form 447, NAFTA Motor Vehicle Averaging Election

Estimated Number of Respondents: 11.

Estimated Number of Responses per Respondent: 1.28.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 14.

Dated: May 12, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–11290 Filed 5–15–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0027]

Agency Information Collection Activities: Record of Vessel Foreign Repair or Equipment Purchase

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: Record of Vessel Foreign Repair or Equipment Purchase (CBP Form 226). 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 July 15, 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: Record of Vessel Foreign Repair or Equipment Purchase.

OMB Number: 1651–0027.

Form Number: CBP Form 226.

Abstract: 19 U.S.C. 1466(a) provides for a 50 percent *ad valorem* duty assessed on a vessel master or owner for any repairs, purchases, or expenses incurred in a foreign country by a commercial vessel registered in the United States. CBP Form 226, Record of Vessel Foreign Repair or Equipment Purchase, is used by the master or owner of a vessel to declare and file entry on equipment, repairs, parts, or materials purchased for the vessel in a foreign country. This information enables CBP to assess duties on these foreign repairs, parts, or materials. CBP Form 226 is provided for by 19 CFR 4.7 and 4.14 and is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%20226.pdf.*

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to the information collected on Form 226.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 100.

Estimated Number of Responses per Respondent: 11.

Estimated Number of Total Annual Responses: 1,100.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 825.

Dated: May 12, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–11289 Filed 5–15–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation of SGS North America, Inc., As a Commercial Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation of SGS North America, Inc., as a commercial laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been accredited to test petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of October 29, 2013.

DATES: *Effective Dates:* The accreditation of SGS North America, Inc., as commercial laboratory became effective on October 29, 2013. The next triennial inspection date will be scheduled for October 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12, that SGS North America, Inc., 1201 W. 8th St., Deer Park, TX 77536, has been accredited to test petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12. SGS North America, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	ASTM D–287	Standard test method for API Gravity of crude petroleum products and petroleum products (Hydrometer Method).
27–03	ASTM D–4006	Standard test method for water in crude oil by distillation.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.

CBPL No.	ASTM	Title
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–05	ASTM D–4928	Standard Test Method for Water in crude oils by Coulometric Karl Fischer Titration.
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–54	ASTM D–1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–50	ASTM D–93	Standard test methods for flash point by Penske-Martens Closed Cup Tester.
27–14	ASTM D–2622	Standard Test Method for Sulfur in Petroleum Products (X-Ray Spectrographic Methods).
27–57	ASTM D–7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.

Anyone wishing to employ this entity to conduct laboratory analyses should request and receive written assurances from the entity that it is accredited by the U.S. Customs and Border Protection to conduct the specific test requested. Alternatively, inquiries regarding the specific test this entity is accredited to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.*

Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf.*

Dated: May 13, 2014.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2014–11384 Filed 5–15–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5756–N–18]

60-Day Notice of Proposed Information Collection: Phase One Letters of Interest for the Homeowners Armed With Knowledge (HAWK) for New Homebuyers (Pilot Program)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 15, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Phase One Letters of Interest for the Homeowners Armed With Knowledge (HAWK) Pilot for New Homebuyers.

OMB Approval Number: 2502—New.

Type of Request: New.

Form Number: None.

Description of the need for the information and proposed use: The HAWK for New Homebuyers pilot (HAWK Pilot), announced in a separate **Federal Register** notice will provide FHA insurance pricing incentives to first-time homebuyers who participate in a course of housing counseling and education. The notice also announced the process and criteria for selecting FHA-approved lenders and servicers and HUD-approved housing counseling agencies to participate in Phase One of the HAWK Pilot. Pending this approval, HUD requested that interested parties that meet the selection criteria notify HUD of their interest to participate in the pilot program. Parties must send their letters of interest to Attention: Deputy Assistant Secretary of the Office of Housing Counseling, 451 7th Street SW., Washington, DC 20410, or send electronically to *housing.counseling@hud.gov* with the subject line reading ''HAWK Pilot Phase One'' to be considered for participation in Phase One.

The information collected from interested FHA-approved lenders and servicers and HUD-approved housing counseling agencies will be used to select participants for Phase One of the HAWK for New Homebuyers pilot.

Respondents (i.e. affected public): HUD-approved housing counseling agencies and FHA-approved lenders.

Estimated Number of Respondents: 40.

Estimated Number of Responses: 40.

Frequency of Response: Once.

Average Hours per Response: One hour.

Total Estimated Burdens: 20 hours.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Lenders and Servicers	20	once	20	1	20	$29	580
Housing Counseling Agencies.	20	once	20	1	20	29	580
Totals	40		40		40		$1,160

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: May 12, 2014.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2014–11328 Filed 5–15–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5750–N–20]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 5B–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301)-443–2265 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202) 720–887; *VA:* Ms. Jessica L. Kaplan, Department of Veterans Affairs, Service

(183C), 810 Vermont Ave. NW., Washington, DC 20420, (202) 461–8234; (These are not toll-free numbers).

Dated: May 8, 2014.

Ann Marie Oliva,

Deputy Assistant Secretary (Acting), for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 05/16/2014

Suitable/Available Properties

Building

New York

JJP Bronx VA Medical Ctr.
903 Avenue St. John
Bronx NY 10455
Landholding Agency: VA
Property Number: 97201310002
Status: Unutilized
Comments: UPDATED INFO. 700–1,000 usable square feet.; residential; significant renovations needed; contact VA for more information

Oregon

Crescent Office—East Modular,
(FS ID 2014) Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330016
Status: Excess
Comments: offsite removal only: to be vacated in 395 days if interest is shown & removed in 10 days after award of property by HHS; 1,202 sf. 31 yrs. old; poor condition.

Crescent Lehman Building,
(FS ID 2006) Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330017
Status: Excess
Comments: offsite removal only: vacated immediately if interest is shown & removed in 10 days after award of property by HHS; 518 sf; conference room 81 yrs.old; poor condition with lead containing paint.

Crescent Office, FS ID 2005
Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330018
Status: Excess
Comments: offsite removal only: vacated in 395 days if interest is shown & removed in 10 days after award of property by HHS; 2400 sf; 56 yrs. old; poor condition; building materials with Asbestos & lead paint.

Crescent Office—BM Modular,
(FS ID 2004) Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330019
Status: Excess
Comments: offsite removal only; vacated in 395 days if interest is shown & remove in 10 days after award of property by HHS; 3608 sf; 27 yrs. old; poor condition; building materials with lead paint.

Crescent Wellness Building,
(FS ID 1325) Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330020
Status: Excess
Comments: offsite removal only; vacated in 395 days if interest is shown & remove in 10 days after award of property by HHS; 640 sf; 78 yrs. old; poor condition; building materials with Asbestos & lead paint.

Crescent RS Bunkhouse,
(FS ID 1323) Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330021
Status: Excess
Comments: offsite removal only; vacated immediately if interest is shown & remove in 10 days after award of property by HHS; 1056 sf; fair/poor condition; 66 yrs. old; building material with Asbestos & lead paint.

Crescent Fire Bunkhouse,
(FS ID 1305) Crescent Admin Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330022
Status: Excess
Comments: offsite removal only; vacated immediately if interest is shown & remove in 10 days after award of property by HHS; 1216 sf; poor condition; 12+mo. vacant; building materials with Asbestos & lead paint.

Crescent Paint Storage,
(FS ID 2602) Crescent Admin. Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330023
Status: Excess
Comments: offsite removal only; vacated immediately if interest is shown & remove in 10 days after award of property by HHS; 530 sf; shed, 51 yrs. old, poor condition; building materials with lead. paint.

Crescent Timber Storage,
(FS ID 2348) Crescent Admin. Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330024
Status: Excess
Comments: offsite removal only; vacated immediately if interest is shown & remove in 10 days after award of property by HHS; 170 sf; shed; 63 yrs. old. poor condition; building materials with lead paint.

Crescent Admin. Garage,
(FS ID 2310) Crescent Admin. Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330025
Status: Excess
Comments: offsite removal only; vacated immediately if interest is shown & remove in 10 days after award of property by HHS; 336 sf; 60 yrs. old, good condition; building materials with lead paint.

Crescent Storage (Pumphouse)
(FS ID 2230) Crescent Admin. Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330026
Status: Excess
Comments: offsite removal only; vacated immediately if interest is shown & remove in 10 days after award of property by HHS; 323 sf; 46 yrs. old; good/poor condition; concrete block bldg with Asbestos & lead paint.

Crescent Office—South Modular
(FS ID 2016) Crescent Admin. Site
Crescent OR
Landholding Agency: Agriculture
Property Number: 15201330027
Status: Excess
Comments: offsite removal only; vacated in 395 days if interest is shown & remove in 10 days after award of property by HHS; 2020 sf; 18 yrs. old, poor condition; building materials with lead paint.

[FR Doc. 2014–10948 Filed 5–15–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GX14EG50DW73200]

Agency Information Collection Activities: Request for Comments

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of an information collection, *The National Map* Corps.

SUMMARY: We (the U.S. Geological Survey) will ask the Office of Management and Budget (OMB) to approve the on-going information collection (IC) described below. As required by the Paperwork Reduction Act (PRA) of 1995, and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC.

DATES: To ensure that your comments are considered, we must receive them on or before July 15, 2014.

ADDRESSES: You may submit comments on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 807, Reston, VA 20192 (mail); (703) 648–7197 (fax); or *dgovoni@usgs.gov* (email). Please reference 'Information Collection 1028–NEW, *The National Map* Corps' in all correspondence.

FOR FURTHER INFORMATION CONTACT: Elizabeth McCartney, at (573) 308–3696 or *emccartney@usgs.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Geological Survey (USGS) has historically sponsored volunteer data collection projects to enhance its topographic paper and digital map products, but these activities were suspended in 2008 due to budget

concerns. Since then, new Internet technologies have made it easy for citizens to georeference and share many different types of data via online mapping platforms and social networking sites. These data have been referred to as volunteered geographic information (VGI). As a result of these developments, the USGS has reinstated the volunteer data-collection program for *The National Map* (*http://nationalmap.gov*).

Using crowd-sourcing techniques, the USGS VGI project known as ''*The National Map* Corps'' encourages citizen volunteers to collect data about manmade structures in an effort to provide accurate and authoritative spatial map data for the USGS National Geospatial Program's Web-based *The National Map.* Citizens collect and/or improve structures data by adding new features, removing obsolete points, and correcting existing data using a Web-based mapping platform. Points edited become part of the National Structures Database, and include schools, hospitals, post offices, police stations and other important public buildings. Through their participation, volunteers are able to make significant contributions to the USGS's ability to provide the Nation with accurate mapping information to support response planning for natural hazards and to provide critical data for sustaining and improving the quality of life and economic vitality of the Nation.

Volunteer efforts are recognized through a program that awards ''virtual'' badges based on the number of contributions submitted. Each edit that is submitted is worth one point towards the badge level. The badges consist of a series of antique surveying instruments ranging from the Order of the Surveyor's Chain (25–50 points) to the Theodolite Assemblage (2,000+ points). Additionally, volunteers are publicly acknowledged (with their consent) via the USGS's Twitter (*https://twitter.com/USGSTNM*), Facebook (*https://www.facebook.com/USGeologicalSurvey*), and Google+ (*http://bit.ly/1kGmBeD*) social media sites.

Volunteers need nothing but access to a computer and the Internet to participate. *The National Map* Corps' Web site explains how volunteers can edit any area, regardless of their familiarity with the selected structures. Registration is simple and requires only an email address and self-selected username to facilitate on-going participation. No other personally identifiable information is collected.

The USGS, as authorized by 43 U.S.C. 31, 1332, and 1340, provides research and scientific information to support the mission of the Department of the Interior and its science requirements. Specifically, the USGS Core Science Systems mission area, under which the National Geospatial Program falls, conducts fundamental research and provides data about the Earth, its complex processes, and its natural resources. These activities provide the Nation with natural science information to support response planning for natural hazards and to manage natural resources. Core Science Systems produces geological, geophysical, and geochemical maps and three-dimensional geologic frameworks that provide critical data for sustaining and improving the quality of life and economic vitality of the Nation, and creates the informatics framework and provides scientific content needed for understanding and stewardship of our Nation's ecological, geological, and geospatial resources.

II. Data

OMB Control Number: 1028—NEW.

Title: The National Map Corps.

Type of Request: New information collection.

Affected Public: The general public.

Respondent's Obligation: None; Participation is voluntary.

Frequency of Collection: Occasional.

Estimated Annual Number of Respondents: 1,000.

Estimated Total Number of Annual Responses: 75,000.

Estimated Time per Response: 10 minutes.

Estimated Annual Burden Hours: 12,500 hours.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: None.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, et seq.) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number and current expiration date.

III. Request for Comments

We are soliciting comments as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public view, we cannot guarantee that we will be able to do so.

Kari J. Craun,

Director, National Geospatial Technical Operations Center.

[FR Doc. 2014–11287 Filed 5–15–14; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Scientific Earthquake Studies Advisory Committee

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 106–503, the Scientific Earthquake Studies Advisory Committee (SESAC) will hold its next meeting at the U.S. Geological Survey, in Golden, Colorado. The Committee is comprised of members from academia, industry, and State government. The Committee shall advise the Director of the U.S. Geological Survey (USGS) on matters relating to the USGS's participation in the National Earthquake Hazards Reduction Program.

The Committee will receive reports on the status of activities of the Program and progress toward Program goals and objectives. The Committee will assess this information and provide guidance on the future undertakings and direction of the Earthquake Hazards Program. Focus topics for this meeting include the 2014 program plan, 2015 proposed budget, and strategic planning for 2016–2018.

Meetings of the Scientific Earthquake Studies Advisory Committee are open to the public.

DATES: May 29–30, 2014, commencing at 9:00 a.m. on the first day and adjourning at 1:00 p.m. on May 30th, 2014.

CONTACT: Dr. William Leith, U.S. Geological Survey, MS 905, 12201 Sunrise Valley Drive, Reston, Virginia 20192, (703) 648–6786, *wleith@usgs.gov*.

Dated: May 13, 2014.

J. David R. Applegate,

Associate Director for Natural Hazards.

[FR Doc. 2014–11331 Filed 5–15–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000814]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of extension of Tribal—State Class III Gaming Compact.

SUMMARY: This publishes notice of the extension of the Class III gaming compact between the Yankton Sioux Tribe and the State of South Dakota.

DATES: May 16, 2014.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Pursuant to 25 CFR 293.5, an extension to an existing tribal-state Class III gaming compact does not require approval by the Secretary if the extension does not include any amendment to the terms of the compact. The Yankton Sioux Tribe and the State of South Dakota have reached an agreement to extend the expiration of their existing Tribal-State Class III gaming compact to October 25, 2014. This publishes notice of the new expiration date of the compact.

Dated: May 9, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–11323 Filed 5–15–14; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWYP06000.LL13100000.DB0000]

Notice of Intent To Prepare an Environmental Impact Statement and Amendments to the Casper Resource Management Plan and Thunder Basin National Grasslands Land and Resource Management Plan, Converse County, WY

AGENCY: Bureau of Land Management, Interior and United States Forest Service, Agriculture.

ACTION: Notice.

SUMMARY: The Bureau of Land Management and the United States Forest Service intend to prepare an Environmental Impact Statement for the proposed Converse County Oil and Gas Project; We may also prepare land-use plan amendments to the Casper Resource Management Plan and the Thunder Basin National Grassland Land Resource Management Plan. We are announcing the beginning of the scoping process to solicit public comments and identify issues. The Bureau of Land Management is the lead agency for the Environmental Impact Statement and the United States Forest Service is participating as a cooperating agency.

DATES: Comments on issues may be submitted in writing until June 30, 2014 In order to be included in the analysis, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation as appropriate. The dates and locations of any scoping meetings will be announced at least 15 days in advance through the local news media, newspapers, and the Bureau of Land Management (BLM) Web site at: *http://www.blm.gov/wy/st/en/field_offices/Casper.html.*

ADDRESSES: You may submit written comments by any of the following methods:

- *Web site: www.blm.gov/wy/st/en/field_offices/Casper.html.*
- *Email: blm_wy_casper_wymail@blm.gov.*
- *Fax:* 307–261–7587.
- *Mail:* Converse County Oil and Gas Project, BLM Casper Field Office, 2987 Prospector Drive, Casper, WY 82604.

Documents pertinent to this proposal are available for public review at the BLM Casper Field Office or the United States Forest Service (USFS) Douglas Ranger District Office, 2250 East Richards Street, Douglas, Wyoming.

FOR FURTHER INFORMATION CONTACT: Kathleen Lacko, Assistant Field Manager, telephone: 307–261–7530; address: 2987 Prospector Drive, Casper, WY 82604; email: *blm_wy_casper_wymail@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 Ms. Lacko 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. You can call either of these numbers to have your name added to our mailing list.

SUPPLEMENTARY INFORMATION: This notice initiates the public scoping process for the Environmental Impact Statement (EIS) and land-use plan amendments. The BLM Casper Field Office and USFS Thunder Basin National Grasslands intend to:

- Prepare an EIS to support decision making for the proposed Converse County Oil and Gas Project; and
- Begin the public scoping period to seek input on the preliminary issues identified with respect to this Project. In submitting comments during the scoping period, you should be aware that:
- Authorization of this proposal may require amendments of the 2007 Casper resource management plan or the 2001 Thunder Bay land and resources management plan because resource impacts will likely exceed those analyzed in the existing plans; and .
- A change in circumstances or a proposed action may result in a change in the scope of resources uses or a change in terms, conditions, and decisions of the approved plans for surface disturbance, wildlife, cultural resources, air quality and water quality.

By this notice, the BLM is complying with requirements in 43 CFR 1610.2(c). If land use plan amendments are necessary, the BLM and USFS will integrate the land-use planning processes with the NEPA process for this project.

Where is the proposed project located?

The proposed development project area is located in Converse County and encompasses approximately 1.5 million acres of land, of which approximately 88,000 surface acres (6 percent of the project area) and approximately 965,000 subsurface mineral estate acres (64 percent of the project area) are public lands administered by BLM while USFS manages approximately 64,000 acres of surface (4 percent of the project area) within the project area. The remainder of the project area consists of lands owned by the State of Wyoming and private owners.

What would the project do?

The companies involved propose to develop approximately 5,000 oil and natural gas wells on 1,500 new multi-well pads within the proposed Converse County Oil and Gas Project area over a 10-year period. The companies propose to:

- Develop the project area using directional, vertical, horizontal and other drilling techniques;
- Develop infrastructure to support oil and gas production in the project area including: well pads, roads,

pipelines, power lines, compressor and electrical substations, and ancillary facilities, such as water supply wells and water disposal facilities; and

• Request exceptions to multiple timing-limitation restrictions, which serve to protect several wildlife species, in an effort to drill year-round.

Surface disturbance associated with the Converse County Oil and Gas Project proposal is estimated to include 50,000 acres of initial surface disturbance for the construction of new roads, well pads, pipelines and associated facilities, of which approximately 20,000 acres could remain for the life of the project.

How will BLM and USFS evaluate the project?

BLM and USFS will evaluate any authorizations and actions proposed in the EIS to determine if they conform to the decisions in the 2007 Casper resources management plan (RMP) or 2001 Thunder Basin land resources management plan (LRMP). Any proposed actions that would change the scope of resource uses, terms and conditions, and decisions of either plan would require amendment of the affected plan. If we determine that a plan amendment is required, the necessary analysis would occur simultaneously with preparation of the Converse County Oil and Gas Project EIS. The preliminary planning criteria for a necessary plan amendment would include all of the following:

• The amendments will comply with all applicable laws, executive orders, regulations and be consistent with applicable policy.

• The amendments will recognize valid existing rights.

• Lands addressed in the amendments will be public lands (including split estate lands) managed by the BLM and National Forest Service System lands managed by the USFS, respectively.

• Any decisions in the amendments will apply only to Federal lands administered by either the BLM or the USFS.

• A collaborative and multi-jurisdictional approach will be used, where possible, to jointly determine the desired future condition and management direction for the public lands.

• To the extent possible within legal and regulatory parameters, BLM and USFS decisions will complement decisions of other agencies and of State and local governments with jurisdictions intermingled with, and adjacent to, the planning area.

When will public meetings be held?

To provide the public with an opportunity to review the proposed project and the project information, as well as the proposed plan amendments, the BLM will host meetings in Casper, Douglas and Glenrock before June 30, 2014. The BLM will notify the public of meetings and any other opportunities for the public to be involved in the process for this proposal at least 15 days prior to the event. Meeting dates, locations and times will be announced by a news release to the media, individual mailings and postings on the project Web site.

What happens during the scoping process?

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS. At present, BLM and USFS have identified the following preliminary issues:

• Potential effects on air quality; historic trails; socioeconomic; vegetation; water resources; wildlife habitat, including Greater Sage-Grouse and Greater Sage-Grouse Core Habitat Areas.

• Possible use of hierarchical mitigation strategies, if applicable and appropriate to the project and potential amendment. Mitigation strategies include avoidance, minimization or compensation, for on-site, regional, and other mitigation strategies.

• Identification of areas appropriate for landscape-level conservation and management actions to achieve regional mitigation objectives (e.g. ACECs, priority habitat, etc.).

The project will incorporate all elements of the present Greater Sage-Grouse planning efforts and decisions and look to further mitigate impacts of the project by monitoring and evaluations as the project is implemented.

How will the comment process work?

BLM and USFS will use and coordinate the National Environmental Protection Act (NEPA) commenting process to help fulfill the public involvement process under section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f), as provided for in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist BLM and USFS in identifying and evaluating impacts to such resources in the context of both NEPA and section 106 of the NHPA.

Native American tribal consultations will be conducted in accordance with policy, and tribal concerns will be given due consideration. Federal, State, and local agencies, along with other stakeholders that may be interested or affected by the BLM's or USFS's decisions on this project, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency.

How will comments be evaluated?

The Forest Service will be operating under the new requirements in 36 CFR part 218 Subparts A and B for this project. Per these regulations, anyone submitting timely, specific written comments regarding a proposed project or activity during any designated opportunity for public comments will have standing to file an objection. This includes requests for comments during this initial scoping period as well as comments submitted during the 45-day comment period for the Draft EIS.

It is the responsibility of persons providing comments to submit them by the close of established comment periods. Only those who submit timely and specific written comments will have eligibility (36 CFR 218.5) to file an objection under 36 CFR 218.8. For objection eligibility, each individual or representative from each entity submitting timely and specific written comments must either sign the comment or verify identity upon request. Individuals and organizations wishing to be eligible to object must meet the information requirements in § 218.25(a)(3).

Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7, 43 CFR 1610.2.

Larry Claypool,

Acting State Director, Bureau of Land Management Wyoming State Office.

Phil Cruz,

Forest Supervisor, United States Forest Service.

[FR Doc. 2014–11423 Filed 5–15–14; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNM006200 L99110000.EK0000 XXX L4053RV]

Notice of Proposed Action: Implementation of Helium Stewardship Act Sales and Auctions

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public of and request comments on the methods and procedures that the Department of the Interior, Bureau of Land Management (BLM), intends to use to implement the terms of the Helium Stewardship Act of 2013 (''the Act'' or ''the HSA''). Section 6(b) of the Act (''Phase B: Auction Implementation'') establishes the dates and the method of sales and auctions of Federal helium from the Federal Helium Reserve to be delivered during the period beginning on October 1, 2014.

DATES: Comments regarding the proposed helium sales and auctions must be received by the BLM on or before June 16, 2014. The BLM intends to hold the Fiscal Year (FY) 2015 sale and auction and FY 2016 one-time sale, as described in the Act and in this notice below, by August 1, 2014.

ADDRESSES: You may submit your comments in one of two ways. You may mail comments to Bureau of Land Management, Amarillo Field Office, 801 S. Fillmore, Suite 500, Amarillo, TX 79101, Attention: Helium Sale and Auction; or email them to *rbjolley@blm.gov* with ''Helium Sale and Auction'' in the subject line. Any comments regarding the proposed sale/auction will be reviewed by the BLM State Director or other authorized official of the Department of the Interior, who may take any appropriate action regarding the proposed sale/auction.

FOR FURTHER INFORMATION CONTACT: Robert Jolley, 806–356–1002. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. The FIRS is available 24 hours a day, 7 days a week, to leave a message for Mr. Jolley. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: *Background:* On October 2, 2013, President Obama signed the Act. The Act ensures continued access to Federal crude helium; provides for an orderly transition to end Federal helium operations in four phases at the Cliffside Field near Amarillo, Texas, by 2021, resulting in minimal market disruption to end users; increases taxpayer returns and stimulates investment in private helium sources by selling crude helium at market-driven prices; bolsters transparency by requiring timely publication of information related to the Federal Helium Reserve; authorizes the BLM to obtain a global helium assessment that includes forecasts of demand and assessments of supply; establishes helium extraction, separation, and conservation research and development programs; and facilitates the development of a long-term strategy for helium acquisition for all Federal users. Section 6(b) of the Act requires the Department of the Interior, through the BLM Director, to offer for sale and auction annually, beginning in FY 2014, a portion of the helium reserves owned by the United States stored underground at the Cliffside Field. On March 6, 2014, the BLM conducted a scoping meeting in Amarillo, Texas, during which the agency requested comments and suggestions for conducting the helium sales and auctions required by the Act. The results of the scoping meeting and a summary of comments the BLM received can be found at *http://www.blm.gov/nm/helium.* The BLM considered those comments as it developed the implementation plan described in this Notice.

1.02 What Terms Do I Need To Know to Understand This Sale? Unless otherwise noted, the following definitions apply:

Allocated sale volume means that portion of the annual sale volume of the Federal Helium Reserve that will be set aside for purchase by the crude helium refiners.

Auction volume means those volumes of the Federal Helium Reserve offered for sale at auction to any person or qualified bidder under the Act.

Cliffside Field means the subterranean formation near Amarillo, Texas, which is used as a helium storage reservoir and in which the Federal Helium Reserve is stored.

Crude helium means a partially refined gas containing about 70 percent helium and 30 percent nitrogen. However, the helium concentration may vary from 50 to 95 percent.

Excess refining capacity means the reported total refining capacity of the refiner, minus the volume of refined helium delivery commitments for a particular fiscal year. The BLM will require each refiner to report excess refining capacity in advance of all Phase A and Phase B sales and Phase B auctions as a condition of those sales and auctions.

Federal Helium Pipeline means the federally owned pipeline system through which helium extracted from the Federal Helium Reserve may be transported.

Federal Helium Reserve means helium reserves owned by the United States that are stored in the Cliffside Field.

Federal Helium System means:

(A) The Federal Helium Reserve;

(B) The Cliffside Field;

(C) The Federal Helium Pipeline; and

(D) All other infrastructure owned, leased, or managed under contract by the Secretary of the Interior (Secretary) for the storage, transportation, withdrawal, enrichment, purification, or management of helium.

Federal in-kind crude helium or in-kind helium means helium purchased by private refiners who have sold or are selling to Federal users and their contractors a quantity of refined helium equivalent to the quantity of crude helium the refiner is purchasing or will purchase from the BLM under contract, under the requirements and procedures of 43 CFR part 3195. The refined helium initially supplied to a Federal user or its contractor may come from a source outside the Federal Helium Reserve.

Federal user means a Federal agency or extramural holder of one or more Federal research grants using helium.

Helium storage contract means a contract between the BLM and a private entity allowing the private entity to store crude helium in underground storage at the Cliffside Field.

HPA means the Helium Privatization Act of 1996, Public Law 104–273, 110 Stat. 3315.

HSA means the Helium Stewardship Act of 2013, Public Law 113–40, 127 Stat. 534.

Mcf means one thousand cubic feet of gas measured at standard conditions of 14.65 pounds per square inch atmosphere (psia) and 60 degrees Fahrenheit.

MMcf means one million cubic feet of gas measured at standard conditions of 14.65 psia and 60 degrees Fahrenheit.

Non-Allocated Sale means a Phase A crude helium sale, under which crude helium is sold only to non-refiners.

One-time sale means a sale of helium from amounts available in FY 2016 offered by the BLM in FY 2014 under the HSA, 50 U.S.C. 167d(b)(13).

Person means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or state or political subdivision.

Phase A means the allocation transition period prescribed in the HSA at 50 U.S.C. 167d(a).

Phase B means the auction implementation period prescribed in the HSA at 50 U.S.C. 167d(b).

Phase B auction means an auction of helium offered by the BLM during Phase B under the HSA, 50 U.S.C. 167d(b)(2).

Phase B sale means a sale of helium offered by the BLM to refiners during Phase B under the HSA, 50 U.S.C. 167d(b)(1), after completion of an auction.

Priority pipeline access means the first priority of delivery of crude helium under which the Secretary schedules and ensures the delivery of crude helium to a helium refinery through the Federal Helium System.

Production capability means the estimated or calculated physical volume of helium that can be produced from the Cliffside Field.

Qualifying domestic helium transaction means any agreement entered into or any renegotiated agreement during the preceding one-year period in the United States for the purchase or sale of at least 15,000,000 standard cubic feet of crude or pure helium to which any holder of a contract with the BLM for the acceptance, storage, delivery, or redelivery of crude helium from the Federal Helium System is a party.

Refiner means a person with the ability to take delivery of crude helium from the Federal Helium Pipeline and refine the crude helium into pure helium.

Toll or tolling means the practice of a helium refiner processing or refining another party's helium at an agreed upon price. Refiners are required by the HSA (50 U.S.C. 167d(b)(8)(B)), as a condition of sale or auction, to make excess refining capacity of helium available at commercially reasonable rates to (i) Any person prevailing in auctions under section 167d(b)(2); and (ii) Any person who has acquired crude helium from the BLM from the Federal Helium Reserve by means other than an auction under section 167d(b)(2) after the date of enactment of the HSA, including non-allocated sales.

Toller means a non-refiner that has an agreement with a refiner to process or refine helium.

Tolling agreement means an agreement between a helium refiner and another party to process or refine the other party's helium.

1.03 What is the purpose of sales and auctions? The BLM is implementing the HSA's statutory directives to sell helium from the Federal Helium Reserve to reduce the Reserve to a level of 3,000,000,000 standard cubic feet (3,000,000 Mcf) of recoverable helium (not including privately stored helium) (50 U.S.C. 167d(b)(4)) and implement Phase D: Disposal of assets (50 U.S.C. 167d(d)) by September 30, 2021.

1.04 What is the estimated volume of helium available for sale, auction and delivery in each fiscal year? The BLM has created a graphic that illustrates the gradual reduction in the volume of helium that is expected to be produced from the Federal Helium Reserve by FY 2021, according to current geological modeling. The graphic can be viewed at *www.blm.gov/nm/nitec.* Based on that methodology, Table 1 identifies the volumes of helium to be offered for sale as part of Phase A under the HSA. Those sales are divided into allocated sales for the refiners (total 549,000 Mcf) and non-allocated sales for the non-refiners (total 61,000 Mcf). Table 1 also identifies a substantial delivery of privately stored helium (556,600 Mcf), which was primarily the result of a delay in the initial FY 2014 offering of Federal crude helium for sale; approximately 408,000 Mcf of privately stored helium was delivered before the sale was held in January 2014. Table 2 provides the projected volume of helium in million cubic feet (MMcf) available according to current geological modeling and provides estimated annual volumes that will be offered, in accordance with Phase B of the HSA, for sale, auction and delivery during FY 2015 through FY 2021. Phase B sales are reserved for refiners, while the Phase B auction is open to all qualified bidders. Both Table 1 and Table 2 also reflect holding back 10 percent of the forecasted production capability as an engineering contingency to ensure that the BLM can meet any unanticipated emergency situations. Table 3 provides an estimate of total production capacity of the Cliffside Field broken into components (estimated sale volume and auction volume) and delivery of privately-owned helium, as well as an estimate of the total production.

TABLE 1—PROJECTED VOLUMES FOR ALLOCATED SALE, NON-ALLOCATED SALE AND PRIVATE STORAGE DELIVERY FOR FY 2014

Fiscal Year (FY)	Forecasted production capability (NITEC study)	10% contingency	In-kind sales	Total production available for sale/ auction or delivery	Volume of private storage delivered prior to January 2014 sale	Allocated sale	Non-allocated sale	Additional private storage delivery
	Mcf	Mcf	Mcf	Mcf	Mcf	Mcf	Mcf	Mcf
FY 2014(1)						360,000	40,000	
FY 2014(2)	1,494,000	149,400	170,000	1,174,600	408,000	189,000	21,000	156,600
Total FY 2014 ...						549,000	61,000	

TABLE 2—PROJECTED VOLUMES FOR SALES, AUCTIONS AND PRIVATE STORAGE DELIVERY FOR FY 2015–FY 2021

Fiscal year (FY)	Forecasted production capability (NITEC study)	10% contingency	In-kind sales	Total production available for sale/ auction	80% available for sale/ auction	FY 2016 one-time sale (conducted in FY 2014)	Phase B sale volume	Phase B auction volume	20% available for private storage delivery
	Mcf	Mcf	Mcf	Mcf	Mcf	Mcf	Mcf	Mcf	Mcf
FY 2015 ...	1,320,160	132,016	170,000	1,018,144	814,515	0	733,064	81,452	203,629
FY 2016 ...	1,158,150	115,815	170,000	872,335	697,868	250,000	273,401	174,467	174,467
FY 2017 ...	997,450	99,745	170,000	727,705	582,164	0	349,298	232,866	145,541
FY 2018 ...	848,280	84,828	170,000	593,452	474,762	0	213,643	261,119	118,690

TABLE 2—PROJECTED VOLUMES FOR SALES, AUCTIONS AND PRIVATE STORAGE DELIVERY FOR FY 2015–FY 2021—Continued

Fiscal year (FY)	Forecasted production capability (NITEC study)	10% contingency	In-kind sales	Total production available for sale/ auction	80% available for sale/ auction	FY 2016 one-time sale (conducted in FY 2014)	Phase B sale volume	Phase B auction volume	20% available for private storage delivery
	Mcf	Mcf	Mcf	Mcf	Mcf	Mcf	Mcf	Mcf	Mcf
FY 2019 ...	714,430	71,443	170,000	472,987	378,390	0	113,517	264,873	94,597
FY 2020 ...	606,130	60,613	170,000	375,517	300,414	0	.....	300,414	75,103
FY 2021 ...	537,880	53,788	170,000	314,092	251,274	0	.....	251,274	62,818

TABLE 3—SUMMARY OF TOTAL SALES, AUCTIONS AND DELIVERY THROUGH FY 2021

Total Production		7,676,480
	Total Sales	2,542,923
	Total Auction Volume	1,566,464
	Total In Kind Volume	1,360,000
	Total Engineering Contingency	767,648
Total Pre-HSA, Privately-Owned Helium to be Delivered		1,439,445

Phase B Sales and Auctions

2.01 What volume of helium will the BLM offer under a Phase B auction for FY 2015? The BLM intends to offer 81,452 Mcf for auction in July 2014 for delivery in FY 2015.

2.02 What will be the minimum Phase B auction price and minimum Phase B sales price, and how were those prices determined? We estimate the minimum Phase B auction price for FY 2015 to be $100 per Mcf based on Producer Price Index adjustments to the open market crude sales price for FY 2014 (absent a market survey). The BLM will calculate the 2015 Phase B sales price using a weighted average of the average Phase B auction price (10%) and the adjusted FY 2014 helium sales price (90%).

2.03 What volume of helium will the BLM offer under a Phase B sale for FY 2015? The FY 2015 volume of helium the BLM will offer for sale will be about 733 MMcf.

2.04 What will be the price for the FY 2015 Phase B sale and how is that price determined? The FY 2015 Phase B sales price will be calculated using a weighted average methodology as follows:

FY 2015 Phase B Sales Price = (10% × AAP) + (90% × (100+APPI × $95.00))

AAP is average auction price in dollars.

APPI is the average Production Price Index for September 2013 through March 2014.

2.05 What volume will be sold for the FY 2016 one-time sale? The BLM intends to offer 250 MMcf for the FY 2016 one-time sale held in FY 2014.

2.06 What will be the price for the FY 2016 one-time sale and how was that price determined? The price for the FY 2016 one-time sale and the methodology will be the same as the Phase B sales price for FY 2015.

2.07 When will the sales and auctions occur? The BLM intends to offer helium in FY 2014 according to the following schedule:

June 9, 2014—**Federal Register** Auction Notice for FY 2015 Phase B auction; and, annual request for refiners to report excess refining capacity

June 23, 2014—Excess refining capacity to be reported to the BLM [1]

June 30, 2014—FY 2015 Phase B auction held in Amarillo, Texas

July 1, 2014—FY 2015 Phase B auction results published on BLM Web site

July 3, 2014—Invitation for Offer released for FY 2015 Phase A sale and FY 2016 one-time sale

July 18, 2014—FY 2015 Phase B sale complete

July 21, 2014—FY 2015 Phase B sale results published

July 25, 2014—FY 2015 Phase B auction payments collected

July 28, 2014—FY 2016 one-time sale complete

August 1, 2014—FY 2016 one-time sale results published

September 11, 2014—FY 2016 one-time sale payments collected

September 26, 2014—FY 2015 Phase B sale payments collected

June and July dates may change depending on timing of publication of Final **Federal Register** Auction Notice.

2.08 What will be the Phase B auction format and who may participate? The auction will be a live auction, held in Amarillo, Texas. Anyone meeting the definition of a qualified bidder provided in Section 2.09 may participate in the auction. A pre-bid registration process will be specified in the **Federal Register** Auction Notice to be released to the public on June 9, 2014 (date subject to change).

2.09 Who is qualified to purchase helium at Phase B auctions? A ''qualified bidder'' is a person the Secretary determines is seeking to purchase helium for the person's own use, refining, or resale to users. Only qualified bidders may purchase helium at Phase B auctions. If the BLM determines that a person does not meet the requirements for a qualified bidder under the HSA, that person is not a qualified bidder for Phase B auctions, even if that person was determined to be a qualified bidder in the past.

2.10 What are the helium lot sizes that will be available for the Phase B auctions? The BLM plans to auction lots consisting of 5 MMcf and 10 MMcf. Because volumes are not always going to be divisible by 5, there will be an odd lot that will range from 5 MMcf to 10 MMcf.

2.11 How many helium lots does the BLM anticipate offering for the FY 2015

[1] Section 6(b)(8)(B) of the HSA, 50 U.S.C. 167d(b)(8)(B), states: ''(B) Condition.—As a condition of sale or auction to a refiner under subsection (a)(1) and paragraphs (1) and (2), effective beginning 90 days after the date of enactment of the Helium Stewardship Act of 2013, the refiner shall make excess refining capacity of helium available at commercially reasonable rates to—(i) any person prevailing in auctions under paragraph (2); and (ii) any person that has acquired crude helium from the Secretary from the Federal Helium Reserve by means other than an auction under paragraph (2) after the date of enactment of the Helium Stewardship Act of 2013, including nonallocated sales.''

Phase B auction? The BLM anticipates auctioning 81,452 Mcf for FY 2015. That volume would be divided as follows:

(5) lots of 10 MMcf each
(5) lots of 5 MMcf each
(1) lot of 6,452 Mcf

2.12 When will helium that is purchased or won at the FY 2015 Phase B auction be available to the buyers? The volumes will be transferred to buyers beginning on October 1, 2014, assuming payment in full has been received.

2.13 What must I do to bid at auction? Detailed bidding instructions, including pre-bid registration, will be provided in the Auction Notices. The Auction Notice will contain information regarding the time and location of the auction, process for notification of winning bidders, payments, and how to make such payments.

2.14 Who will be allowed to purchase helium in the Phase B sales? Only those who are refiners as defined in section 1.02 of this notice may purchase helium in the Phase B sales.

2.15 How will the helium sold in Phase B sales be apportioned among the refiners? The apportionment to each refiner connected to the Federal Helium Pipeline will be based on its percentage share of the total refining capacity as of October 1, 2000.

2.16 What will happen if one or more refiners request an amount other than the refiner's share of what is offered during a Phase B sale? If one or more refiners request less than the refiner's allocated share, any other refiner that requested more than its share will be allowed to purchase the excess volume based on proportionate shares of remaining refining capacities. Requests by crude helium refiners that are in excess of the amount available in the Phase B sale will not be considered.

2.17 What will happen if the total amount requested by the crude helium refiners is less than the 733 MMcf offered in the FY 2015 Phase B sale? Any excess volume not sold to the refiners in the FY 2015 Phase B sale will be available in the next scheduled Phase B sale.

2.18 Do you have a hypothetical example of how a Phase B sale would be conducted? Assume 1,000 MMcf would be available for sale.

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
Bidder—Allocated sale	Installed refining capacity	Refiner bid volume *	Allocated volume *	Excess volume requested *	Proration percent	Excess allocated *	Total allocated *
Refiner A	10%	115	100	15	20%	15	115
Refiner B	50%	400	400	0	0%	0	400
Refiner C	40%	700	400	300	80%	80 + 5	485
Total	100%	1,215	900	315	100%	100	1,000

* All volumes in MMcf.

After the initial allocation (Column D), Refiner B has received all volumes it requested (Column C). However, 315 MMcf (Column E (Column C–Column D)) is deemed excess of the total in the first iteration of the Phase B sale and is therefore proportionally reallocated to Refiner A and Refiner C based on their remaining installed refining capacities (Column F). With the reallocation, Refiner A gets all the excess volumes it requested (Column E). After the second iteration, 5 MMcf remains unallocated and, without any other refiners, is awarded to Refiner C. Refiner C is still short by 215 MMcf. All percentages used in the calculation will be rounded to the nearest one-tenth of one percent. All volumes calculated will be rounded to the nearest 1 Mcf.

Delivery of Purchased Helium, Helium Won at Auction and Pre-HSA Helium

3.01 When will I receive helium that I own from purchase in a sale, or successful auction bid, or that I have in a pre-HSA storage account? Helium bought, won at auction, or purchased will be delivered starting October 1 of each designated fiscal year based upon a prioritization schedule established by the BLM.

3.02 How will the BLM prioritize delivery? In accordance with the HSA and existing helium storage contract language, the BLM has established the following prioritization for helium delivery:

(1) In-kind helium
(2) Phase B auctioned helium
(3) Phase A allocated/non-allocated and Phase B sold helium
(4) Pre-HSA purchased helium stored under a helium storage contract.

3.03 How will the helium delivery prioritization work for refiners? The following methodology will be used to determine each refiner's share of the available helium for delivery through the Federal Helium System. The volume available to the refiners is described by the following equation:

$$MPC = (IK_R + IK_T) + (AC_R + AC_T) + AL_R + UL_T + PHSA$$

MPC—Monthly Production Capacity is the capacity available from the Crude Helium Enrichment Unit (CHEU) each month.

IK_R—In-Kind Refiners is the monthly amount of planned In-Kind helium sales to refiners to support Federal helium needs.

IK_T—In-Kind Tollers is the monthly amount of planned In-Kind helium sales to non-refiners requiring tolling services to support Federal helium needs.

IK_R and IK_T will be fulfilled at 100 percent capacity.

AC_R—Auction Refiners is the monthly amount of planned auction-acquired helium sales to meet refiners' planned sales.

AC_T—Auction Tollers is the monthly amount of planned auction-acquired helium sales to meet non-refiners' planned sales requiring tolling services.

AC_R and AC_T will be fulfilled at 100 percent capacity.

AL_R—Allocated Refiners is the monthly amount of planned Phase A allocated sale-and Phase B sale-acquired helium to meet refiners' planned sales. Initial delivery schedule is based on the capacity percentage for each refiner per Article 2.7 of the helium storage contract.

UL_T—Unallocated Tollers is the monthly amount of planned non-allocated sale-acquired helium (sold during the Phase A non-allocated sales in FY 2014) to meet non-refiners' planned sales requiring tolling services.

AL_R and UL_T will be fulfilled on a best efforts basis. If total planned sales from all requestors is in excess of MPC, AL_R and UL_T will be prorated based on refiner/non-refiner total helium in storage.

PHSA—Pre-Helium Stewardship Act is the monthly amount of helium

purchased before the HSA, remaining in storage. This helium will be delivered in proportion to each refiner's volume in storage up to 3 percent each month.

Each refiner will be allowed delivery of helium up to the prescribed amount calculated in AL_R and PHSA. If a refiner receives more than allowed, the overage will be subtracted from the volume calculated to be delivered in the next calculation month. Amounts not delivered will not carry forward to the next calculation month. Refiners that provide tolling services to non-refiners for any of the non-refiners' helium will earn a 2 for 1 credit applied to the next calculation month determination of the refiner's AL_R.

3.04 Do you have a hypothetical example of how the Delivery Schedule would be implemented? An example of the process detailed in section 3.03 follows:

	Planned	Refiner	Toller A	Refiner allowed	Refiner actual	Toll actual	Carry over
Refiner A:							
In-Kind	2,000	2,000	500	2,500	1,990	500	
Auction	2,500	2,500	750	3,250	2,400	750	
Allocated	30,080	30,080		30,080	25,000		2,500
Pre-HSA Stored	1,567	1,567		1,567	1,500		
Refiner B:							
In-Kind	2,000	2,000		2,000	2,100		
Auction	200	200		200	200		
Allocated	45,119	45,119		45,119	46,000		(881)
Pre-HSA Stored	1,791	1,791		1,791	1,791		
Toller A:							
In-kind	500						
Auction	750						
Pre-HSA Stored							

In the example, Refiner A is receiving 4,500 Mcf of in-kind and auction helium, and refining for Toller A an additional 1,250 Mcf of Toller A's in-kind and auction helium. Refiner A also has 30,080 Mcf of allocated helium purchased at Phase A or Phase B sales and a percentage of its pre-HSA stored volume of 1,567 Mcf available for delivery. As a result of the 1,250 Mcf of tolling, Refiner A will get a 2,500 Mcf credit in the next calculation month determination for allowed allocated helium delivery. Refiner B is receiving 2,200 Mcf of in-kind and auction helium. It actually received 100 Mcf more of auction helium with no penalty. Since Refiner B did not toll any helium for a non-refiner, it did not earn a subsequent tolling credit. However, Refiner B did overdraw its allowance of allocated helium by 881 Mcf. This overage will be deducted during the next calculation month. Toller A had its in-kind and auction helium refined. Not illustrated in the example is a circumstance where there is not enough monthly production capacity to meet refiner and toller planned helium delivery. When planned delivery exceeds available delivery capacity, the allocated helium delivery (after prior calculation month corrections) will be prorated based on refiner/non-refiner total helium in storage.

In-Kind Program

4.01 What is the Federal In-Kind Program? Federal helium suppliers, who have contracts to supply helium to the Federal Government (agencies, government contractors, and universities with certified Federal grant numbers), are required to buy like amounts of helium from the Federal Helium Reserve. The supplied helium may originate from sources other than the Federal Helium Reserve. Replenishment of helium volumes provided to the government typically takes about 5 months to complete; however, the helium is sold to the suppliers at a discounted rate compared to open market rate.

4.02 Who participates in the Program? Federal helium suppliers, Federal agencies and grant recipients participate in the Federal In-Kind Program.

4.03 How do I participate? You may be a participant in the Federal In-Kind Program if you are a supplier of pure helium and have entered into contracts to supply helium to the Federal Government; or you are a Federal agency requesting helium deliveries; or you are a Federal end user with a per location local volume of 200 Mcf per year and wish to participate in the In-Kind Program. Potential Federal end users/Federal grant recipients and universities are encouraged to register with the BLM at the provided Web page link: *http://www.blm.gov/nm/helium*.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: The Helium Stewardship Act of 2013, Public Law 113–40, codified to various sections in 50 U.S.C. 167–167q.

Jesse J. Juen,

State Director, New Mexico.

[FR Doc. 2014–11410 Filed 5–15–14; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14922–B; LLAK940000–L14100000–HY0000–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision will be issued by the Bureau of Land Management (BLM) to Cully Corporation, Inc. The decision approves the surface estate in the lands described below for conveyance pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*). The subsurface estate in these lands will be conveyed to Arctic Slope Regional Corporation when the surface estate is conveyed to Cully Corporation, Inc. The lands are in the vicinity of Pt. Lay, Alaska, and are located in: U.S. Survey No. 7232, Alaska.

Containing 454.42 acres.

Notice of the decision will also be published once a week for four consecutive weeks in the *Arctic Sounder.*

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until June 16, 2014 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by electronic means, such as facsimile or email, will not be accepted as timely filed.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION CONTACT: The BLM by phone at 907–271–5960 or by email at *blm_ak_akso_public_room@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 BLM during normal business hours. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

Joe J. Labay,

Land Transfer Resolution Specialist, Division of Lands and Cadastral.

[FR Doc. 2014–11419 Filed 5–15–14; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY910000 L16100000 XX0000]

Notice of Public Meeting; Wyoming Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Wyoming Resource Advisory Council (RAC) will meet as indicated below.

DATES: The meeting will be held Wednesday, June 25, 2014 (1 to 5 p.m.), Thursday, June 26, 2014 (7:15 a.m. to 5 p.m.), and Friday, June 27, 2014 (8 a.m. to noon).

ADDRESSES: The meeting will be held at the Best Western Plus Fossil Country Inn and Suites (Best Western), 760 U.S. Highway 189, Kemmerer, Wyoming. The June 26 meeting will begin with a site visit that will leave from the Best Western.

FOR FURTHER INFORMATON CONTACT: Christian Venhuizen, Wyoming Resource Advisory Council Coordinator, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82009; telephone 307–775–6103; email *cvenhuizen@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: This 10-member RAC advises the Secretary of the Interior on a variety of management issues associated with public land management in Wyoming.

Planned agenda topics include discussions on Greater Sage-Grouse habitats, wildfire fuels, proposals to improve public participation in meetings, and follow-up to previous RAC meetings.

On Wednesday, June 25, the meeting will begin at 1 p.m., at the Best Western conference room. On Thursday, June 26, there will be site visits of sage-grouse habitats, reclamation of Ruby Pipeline sites in portions of southwest Wyoming and fire sites. The public is invited to attend, but must provide their own transportation. The site visit will leave from the Best Western in Kemmerer, at 7:15 a.m. The meeting will resume at the Best Western conference room at 1:30 p.m. On Friday, June 27, the meeting will begin at 8 a.m. at the Best Western conference room.

All RAC meetings are open to the public with time allocated for hearing public comments. On Friday, June 27, there will be a public comment period beginning at 8 a.m. The public may also submit written comments to the RAC. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. If there are no members of the public interested in speaking, the meeting will move promptly to the next agenda item.

Dated: May 9, 2014.

Donald A. Simpson,

State Director.

[FR Doc. 2014–11321 Filed 5–15–14; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAN060000; L14300000; EU0000; CACA 54251]

Notice of Realty Action: Non-Competitive (Direct) Sale of Reversionary Interest, Butte County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM), Redding Field Office, proposes to sell the Federal reversionary interest in 5 acres of land in Butte County, California, near Forbestown. The land was previously conveyed out of Federal ownership in 1971 subject to a Federal reversionary interest which is now proposed for sale under the authority of the Federal Land Policy and Management Act of 1976 (FLPMA). The Federal reversionary interest will be sold to the Forbestown Lodge No. 50, Free and Accepted Masons, a California non-profit association, for $41,000, which represents the appraised fair market value of $50,000 today, less the $9,000 previously paid for the land in 1971.

DATES: Comments regarding the proposed sale must be received by the BLM on or before June 30, 2014.

ADDRESSES: Send written comments concerning the proposed sale to the Field Manager, BLM, Redding Field Office, 355 Hemsted Drive, Redding, CA 96002.

FOR FURTHER INFORMATION CONTACT: Ilene Emry, Realty Specialist, BLM Redding Field Office, telephone 530–224–2100; address 355 Hemsted Drive, Redding, CA 96002. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the

above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM will offer a direct sale for the reversionary interest in the following described land in Butte County, California. The reversionary interest is proposed for direct sale in accordance with Section 203 of the FLPMA.

Mount Diablo Meridian,

T. 19 N., R. 6 E.,
Sec. 10, lot 27.
The area described contains 5 acres.

The BLM conveyed the surface estate to Forbestown Lodge No. 50 in 1971 in patent 04–71–0165 under the authority of the Recreation and Public Purpose Act of June 14, 1926, (R&PP) for a lodge, playground, and parking area. Only the playground and parking area were developed. The United States (U.S.) retained a reversionary interest which could result in title reverting to the U.S. if the land is used for purposes not allowed under the R&PP Act or is transferred to another party without the BLM's approval. The BLM received a request from Forbestown Lodge No. 50 to purchase the Federal reversionary interest to allow possible commercial use of the land, allow use of the land as collateral for a construction loan, and to transfer the land to another party without the BLM's approval.

The Federal reversionary interest here is difficult and uneconomic to manage as part of the public lands because it is surrounded by private land and is not contiguous to any public land administered by the BLM. The regulations at 43 CFR 2711.3–3(a) permit the BLM to make direct sale of public lands when a competitive sale is not appropriate. The BLM has determined that the public interest would best be served by a direct sale to Forbestown Lodge No. 50, which currently owns the land subject to the Federal reversionary interest and has constructed the facilities identified above. The Federal reversionary interest in the land described above was not identified for sale in the 1993 Redding Resource Management Plan, as amended. As a result, a plan amendment is required to sell the Federal reversionary interest. The BLM released a plan amendment and environmental assessment which identifies the Federal reversionary interest as suitable for sale. Information on the plan amendment is available at the location identified in **ADDRESSES** above.

The Federal reversionary interest will not be sold until at least July 15, 2014. Any conveyance document issued will only convey the reversionary interest retained by the U.S. in patent 04–71–0165 and will contain the following terms, conditions, and reservations:

1. A condition that the conveyance be subject to all valid existing rights of record.

2. A condition that the conveyance will be subject to all reservations, conditions and restrictions in patent 04–71–0165, except the Federal reversionary interest which is being conveyed.

3. An appropriate indemnification clause protecting the U.S. from claims arising out of the patentee's use, occupancy, or operations on the patented lands.

4. Additional terms and conditions that the authorized officer deems appropriate. Detailed information concerning the proposed sale including the appraisal, planning and environmental document are available for review at the location identified in **ADDRESSES** above.

Public comments regarding the proposed sale may be submitted in writing to the attention of the BLM Redding Field Manager (see **ADDRESSES** above) on or before June 30, 2014. Comments received in electronic form, such as email will not be considered. Any comments regarding the proposed sale will be reviewed by the BLM State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of timely filed objections, this realty action will become the final determination of the Department of the Interior.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 2711.1–2(a) and (c).

Cynthia Staszak,

Associate Deputy State Director, Resources California.

[FR Doc. 2014–11394 Filed 5–15–14; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR03250000, XXXR4079V4, RX.12256210.2029600]

Notice of Intent To Prepare an Environmental Impact Statement and Notice of Public Scoping Meetings for the Navajo Generating Station-Kayenta Mine Complex Project, Arizona

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation, as the lead Federal agency, and the Bureau of Indian Affairs and Office of Surface Mining Reclamation and Enforcement as key cooperating agencies, are initiating preparation of an Environmental Impact Statement for the proposed Navajo Generating Station-Kayenta Mine Complex (NGS–KMC) Project (Project). The Proposed Action would provide Federal approvals and/or decisions necessary to continue the operation and maintenance of NGS–KMC facilities through December 22, 2044.

DATES: Submit written comments on the scope of the Environmental Impact Statement on or before July 7, 2014.

Ten public scoping meetings will be held to receive comments on the scope of the Environmental Impact Statement. See the **SUPPLEMENTARY INFORMATION** section for meeting dates and times.

ADDRESSES: Send written comments on the scope of the Environmental Impact Statement to the Phoenix Area Office, Bureau of Reclamation (ATTN: NGSKMC–EIS), 6150 W. Thunderbird Road, Glendale, AZ 85306–4001; via facsmile to (623) 773–6486, or email to *NGSKMC-EIS@usbr.gov*.

Please see **SUPPLEMENTARY INFORMATION** section for meeting locations.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Eto, (623) 773–6254, or by email at *NGSKMC-EIS@usbr.gov*. Additional information is available online at *http://www.ngskmc-eis.net*.

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4231–4347; the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR Parts 1500 through 1508; and the Department of the Interior's (DOI) regulations, 43 CFR Part 46, the Bureau of Reclamation (Reclamation) intends to prepare an Environmental Impact Statement (EIS) on the NGS–KMC Project. The Proposed

Action would provide Federal approvals and/or decisions necessary to continue the operation and maintenance of NGS–KMC facilities through December 22, 2044, including, but not limited to:

a. Peabody Western Coal Company's (PWCC) proposed revision to the Surface Mining Control and Reclamation Act of 1977 (SMCRA) Permit and life-of-mine (LOM) plan to identify the timing and sequence of continued coal mining operations through December 22, 2044, to incorporate existing shared support facilities from the former Black Mesa Mine into the Kayenta Mine, and to relocate a portion of an existing road;

b. A proposed amendment to the NGS site lease and right-of-way issuances or renewal(s), as approved by the Navajo Nation Council, to provide continued economic benefits to the Navajo Nation and the generation of long-term, reliable, and cost-effective power on a timely basis by NGS (using reliable and readily accessible fuel, transmission systems and water conveyance facilities) through December 22, 2044;

c. Federal consents and other approvals needed to continue the United States' participation in NGS to supply power and energy to operate the Central Arizona Project (CAP) pumps, and Reclamation's continued sale of NGS power (surplus to CAP needs) to produce revenues that are deposited to the Lower Colorado River Basin Development Fund (Development Fund); and

d. Other Federal approvals needed to continue the operation of NGS after 2019, including, but not limited to, Federal approvals relating to rights-of-way, electric transmission lines and related facilities, water service and water conveyance facilities.

Other Federal and tribal actions also would be needed under the proposed action. Reclamation has invited the following Federal and tribal action agencies to become cooperating agencies: the Bureau of Indian Affairs (BIA), Office of Surface Mining Reclamation and Enforcement (OSMRE), Bureau of Land Management, Fish and Wildlife Service, and National Park Service (collectively, DOI); U.S. Environmental Protection Agency; U.S. Department of Agriculture, Forest Service; Department of Labor Mine Safety and Health Administration; U.S. Department of Energy, Western Area Power Administration; the Navajo Nation; and the Hopi Tribe. Federal, tribal, state, and local agencies, along with other stakeholders that may be interested in or affected by the Federal agencies' decisions on the Project, are invited to participate in the scoping process and, if eligible, may request or be requested by Reclamation to participate as a cooperating agency.

Background

The NGS is a coal-fired power plant located on Navajo Reservation trust land near Page, Arizona. NGS provides baseload power to over 1 million customers in Arizona, California and Nevada. It is the primary source of electricity for operation of the CAP. The CAP, a Federal reclamation project constructed by Reclamation, delivers Colorado River water to tribal, agricultural, municipal, and industrial water users in Maricopa, Pinal, and Pima counties, Arizona. The Salt River Project Agricultural Improvement and Power District (SRP) is the operating agent of NGS and holds a 21.7% ownership interest in NGS on its own behalf. SRP also holds a 24.3% ownership interest in NGS for the use and benefit of the United States of America. NGS's other owners are Arizona Public Service Company, the Department of Water and Power of the City of Los Angeles, Nevada Power Company, and Tucson Electric Power Company. These owners, SRP, and the United States are collectively referred to as the ''NGS Participants.''

The Co-Tenancy Agreement for the NGS, dated March 23, 1976, (Co-Tenancy Agreement) among the NGS Participants establishes the terms and conditions relating to the NGS Participants' interests in NGS and its related facilities, and establishes certain rights and obligations of the parties. In general terms, the Co-Tenancy Agreement allows the United States to participate in the decisions that affect Federal interests at NGS, and requires consent from the United States concerning agreements and actions that affect the Federal interest at NGS.

Federal Authority for NGS Contracting. The source of the United States' legal authority to enter into agreements to participate as an NGS Participant is the Colorado River Basin Project Act of 1968 (82 Stat. 885). The Colorado River Basin Project Act provides that the United States ''may enter into agreements with non-Federal interests proposing to construct thermal generating powerplants whereby the United States shall acquire the right to such portions of their capacity, including delivery of power and energy over appurtenant transmission facilities to mutually agreed upon delivery points, as . . . required in connection with the operation of the Central Arizona Project.'' Current operation of NGS specifically includes contracts entered into by the Secretary of the Interior to provide a source of power and energy to operate the CAP, and to provide a source of revenue for the Development Fund, to implement Indian water rights settlements described in the Arizona Water Settlements Act of 2004 (118 Stat. 3478), and for other statutory purposes. The Secretary of the Interior has delegated the authority to carry out NGS contracts to Reclamation. Reclamation also serves as the Contractor for the existing Water Service Contract supplying Colorado River water to NGS, which expires on December 31, 2033. Pursuant to the Colorado River Storage Project Act of 1956 (70 Stat. 105), and other Federal reclamation laws, Reclamation must negotiate and approve the terms of any extension of the Water Service Contract after this date.

Current NGS Operation. SRP operates NGS on the Navajo Reservation pursuant to an Indenture of Lease with the Navajo Nation for the plant site, which has been in effect since December 23, 1969 (the NGS Lease). The initial term of the NGS Lease is 50 years (i.e., through December 22, 2019). Additionally, a Grant of Right-of-Way and Easement issued by DOI (323 Grant) encompasses the plant site, and another 323 Grant and Easement was issued for an adjoining railroad. The initial term of the 323 Grant for the NGS plant site expires at the end of 2019, while the initial term of the 323 Grant for the railroad expires in 2021. NGS is served by the western and southern transmission systems, each of which is supported by a 323 Grant. Off-reservation, these systems are supported by grants of easement from other agencies. The southern transmission system extends south from NGS to just north of Phoenix, Arizona; the western transmission system extends west from NGS to near Las Vegas, Nevada.

Because of the expiring leases and rights-of-way, continued operation of NGS beyond December 22, 2019 requires approval from multiple Federal agencies, including the BIA. 25 U.S.C. Part 415(a) provides for the lease of lands on the Navajo Reservation, with approval of the Secretary of the Interior, for ''. . .business purposes, including the development or utilization of natural resources in connection with operations under such leases,'' for up to 99 years. In accordance with Federal regulations, 25 CFR Part 169, renewal or reissuance of the grants is sought through application to the BIA.

Current Kayenta Mine Operation. Coal that fuels NGS is supplied by the Kayenta Mine, operated by Peabody Western Coal Company (PWCC) and located on the Navajo Reservation and

former Joint Use Area of the Navajo and Hopi Reservations. Like NGS, the operation of the Kayenta Mine requires approval from multiple Federal agencies. PWCC currently holds an active SMCRA Permit (Federal Permit Number AZ–0001E) that authorizes PWCC to mine within the Kayenta Mine permit area. PWCC is seeking to revise its SMCRA Permit and LOM plan for the Kayenta Mine in order to adjust and identify the timing and sequence of mining operations in certain coal resource areas through 2044 and to relocate portions of an existing road. PWCC is currently authorized to continue mining at the Kayenta Mine post-2019, but the proposed revisions to the SMCRA Permit and LOM plan permit would increase operational efficiency. Additionally, PWCC is seeking to modify the existing permit boundary to incorporate into the Kayenta Mine permanent program permit area facilities located on the adjacent and now closed Black Mesa Mine that are currently being used to support the Kayenta Mine operations. Upon incorporation of these mining support facilities into the Kayenta Mine permit area, the future operation, if approved, would be identified as the KMC. The proposed KMC permit boundary expansion does not propose future mining of the coal resources remaining at the Black Mesa Mine.

In addition to the NGS Lease, 323 Grants, the KMC permit, and LOM plan, many of the agreements and approvals for the current operations at NGS and the Kayenta Mine will require reauthorization or revision in the near future. Multiple Federal decisions must be made in order for the needs currently served by NGS and NGS-related activities to continue to be met. Further, as provided in the Co-Tenancy Agreement, SRP must obtain the prior written consent of the United States for actions that would affect the interest in NGS held by SRP for the use and benefit of the United States.

Purpose and Need for the Proposed Federal Actions. As an NGS Participant, Reclamation needs to respond to the expiring arrangements for the continued operation of NGS. Reclamation's purpose for the proposed action is to secure, after 2019, a reliable source of power and energy that would be continuously available to operate the CAP pumps and sold as surplus power. Reclamation is authorized to sell NGS power that is excess to its needs and deposit revenues from sale of this ''surplus'' power to the Development Fund; these revenues are used annually to assist in the repayment of the CAP and defray costs of Indian water rights settlement-related projects. Consistent with the Federal reclamation laws, Reclamation also must negotiate and approve the terms of any extension of the Water Service Contract after 2033.

The OSMRE is responsible for carrying out the requirements of SMCRA in cooperation with States and Tribes. As the regulatory authority on Indian Lands, OSMRE is responsible for ensuring that the operation of the KMC would be in accordance with all SMCRA requirements, including all applicable environmental performance and reclamation standards. Accordingly, OSMRE needs to respond to PWCC's SMCRA Kayenta Mine permit revision application and proposed mine plan and determine whether to approve, approve with special conditions, or disapprove the application, in accordance with the requirements of SMCRA. OSMRE's purpose for the proposed action is to implement the environmental protections, reclamation standards, and other permitting requirements under SMCRA while balancing the United States' need for continued domestic coal production with protection of the environment. (See 30 U.S.C. § 1202.)

The BIA must decide, consistent with the requirements of 25 U.S.C. Part 415(a) and 25 CFR Part 169, and subject to the consent of the Navajo Nation, whether or not to approve the NGS Lease amendment and other right-of-way issuances or renewal(s), which would allow for the continued operation of the NGS on Navajo Nation land through December 22, 2044.

Each of the Federal decisions at issue must be consistent with Federal Indian policies, including, but not limited to, a preference for tribal self-determination and promoting tribal economic development, for all tribes affected by these Federal decisions.

Project Proponents' Interests. The non-Federal NGS Participants seek to continue operation of the NGS beyond the current lease agreement termination date of December 22, 2019, through December 22, 2044. The NGS provides continuous, long-term, reliable, and cost-effective baseload power to its customers in the southwestern United States using a reliable and readily available fuel source, coal from the Kayenta Mine. PWCC desires to continue to provide an uninterrupted coal supply to NGS in order for NGS to continue power plant operations through December 22, 2044.

Alternatives and Related Impacts Under Consideration. Following are some alternatives that are currently being considered for inclusion in the EIS. These alternatives are preliminary and may be modified or eliminated following scoping. Additional alternatives may be added for consideration after scoping.

- Proposed Action—Under the Proposed Action, Reclamation and other Federal agencies would provide Federal approvals and/or decisions necessary to continue the operation and maintenance of the NGS–KMC facilities through December 2044. NGS operations would be in compliance with the forthcoming Federal Implementation Plan for Best Available Retrofit Technology under the Clean Air Act, and applicable law.
- Partial Federal Replacement Alternative—Under this alternative, the Federal actions described above for the Proposed Action would occur; some portion of the United States' share of energy generated by NGS would be replaced by energy generated from renewable resources or generation that reduces emissions from existing levels. NGS operations would be in compliance with the forthcoming Federal Implementation Plan for Best Available Retrofit Technology under the Clean Air Act and other applicable law. The degree to which this alternative may be able to generate revenue for the Development Fund would need to be analyzed.
- Total Federal Replacement Alternative—Under this alternative, the United States' total share of energy generated by NGS would be replaced by energy generated from renewable resources or generation that reduces emissions from existing levels. The degree to which this alternative may be able to generate revenue for the Development Fund would need to be analyzed.
- No Action Alternative—Under this alternative, Reclamation and other Federal agencies would not provide the Federal approvals and/or decisions necessary to continue the operation and maintenance of the NGS and Kayenta Mine facilities through December 2044. NGS would cease operation on December 22, 2019, and would not provide a source of power and energy to operate the CAP pumps or provide revenues for the Development Fund. The plant lease amendment and associated rights-of-way would not be approved by the BIA and other Federal agencies. The proposed revisions to the SMCRA Permit and LOM plan would not be approved by OSMRE. Reclamation would not enter into a water service contract to provide water service through December 22, 2044.

Currently topics being considered for inclusion in the EIS include, but are not limited to, the following:

- Air quality;

• Biological resources, including traditional culturally sensitive species;
• Climate change;
• Cultural and historic resources, traditional cultural properties, and sacred sites;
• Environmental justice;
• Indian Trust Assets;
• Public health;
• Socioeconomic resources; and
• Water resources including surface and groundwater quantity and quality.

As part of its consideration of impacts of the proposed Project on threatened and endangered species, Reclamation will conduct formal consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, 16 U.S.C. 1536, and its implementing regulations, 50 CFR Part 400. Formal consultation will consider direct and indirect impacts from the proposed Project, including continued operation and maintenance of NGS, KMC, and their associated facilities and existing transmission systems, as well as cumulative impacts.

Reclamation will conduct compliance with Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f, as provided for in 36 CFR 800.2(d)(3) concurrently with the NEPA process, including public involvement requirements and consultation with the State Historic Preservation Officer(s) and Tribal Historic Preservation Officer(s). Native American tribal consultations will be conducted in accordance with applicable laws, regulations, and DOI policy, and tribal concerns will be given due consideration, including impacts on Indian Trust Assets.

Public Scoping Meeting Information. Ten public scoping meetings will be held to provide an overview of the project and allow public comment and discussion:

1. Tuesday, June 10, 2014, 4 p.m. to 7 p.m., Navajo Nation Museum, Resource Room, Highway 264 Postal Loop Road, Window Rock, Arizona.
2. Wednesday, June 11, 2014, 4 p.m. to 7 p.m., Forest Lake Chapter House, 14 miles north of Pinon on Route N–41, Arizona.
3. Thursday, June 12, 2014, 4 p.m. to 7 p.m., Monument Valley High School, Cafeteria, 2 miles north of Highway 160 on Highway 163, Kayenta, Arizona.
4. Friday, June 13, 2014, 4 p.m. to 7 p.m., Shonto Chapter House, Building S001–001, E. Navajo Road 221, Arizona.
5. Saturday, June 14, 2014, 1 p.m. to 4 p.m., Hopi Day School, Multipurpose Room, Half mile East of Village Store on Highway 254, Kykotsmovi, Arizona.
6. Monday, June 16, 2014, 4 p.m. to 7 p.m., LeChee Chapter House, 5 miles south of Page off of Coppermine Road, LeChee, Arizona.
7. Tuesday, June 17, 2014, 4 p.m. to 7 p.m., City Hall Townhouse, 605 S. Navajo Drive, Page, Arizona.
8. Wednesday, June 18, 2014, 4 p.m. to 7 p.m., Tuba City High School Cafeteria, Warrior Drive, Tuba City, Arizona.
9. Thursday, June 19, 2014, 4 p.m. to 7 p.m., Phoenix Convention Center, Room 129AB, 100 N. Third Street, Phoenix, Arizona.
10. Friday, June 20, 2014, 4 p.m. to 7 p.m., Marana High School Cafeteria, 12000 W. Emigh Road, Tucson, Arizona.

Navajo interpreters will be present at meetings on the Navajo Reservation and at Kykotsmovi, and Hopi interpreters will be present at meetings in Kykotsmovi and Tuba City, AZ.

Special Assistance for Public Scoping Meetings

If special assistance is required at the scoping meetings, please contact Ms. Sandra Eto at (623) 773–6254, or email your assistance needs to *NGSKMC-EIS@usbr.gov,* along with your name and telephone number. Please indicate your needs at least 2 weeks in advance of the meeting to enable Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified.

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: May 12, 2014.

David Palumbo,

Deputy Regional Director, Lower Colorado Region.

[FR Doc. 2014–11319 Filed 5–15–14; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice To Extend the Public Comment Period on the Draft Environmental Impact Statement for the Four Corners Power Plant and Navajo Mine Energy Project

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Extension of public comment period.

SUMMARY: We are allowing additional time for the public to submit comments on the draft environmental impact statement (DEIS) for the Four Corners Power Plant and Navajo Mine Energy Project. We are extending the end of the comment period from May 27, 2014 to June 27, 2014.

DATES: To ensure consideration in developing the EIS, we must receive your electronic or written comments by the close of the DEIS public comment period on June 27, 2014.

ADDRESSES: Comments may be submitted in writing or by email. At the top of your letter or in the subject line of your email message, please indicate that the comments are ''Four Corners-Navajo Mine DEIS Comments.''

• Email comments should be sent to: *fcppnavajoenergyeis@osmre.gov.*
• Mail/Hand-Delivery/Courier: Written comments should be sent to: Marcelo Calle, OSMRE Western Region, 1999 Broadway, Suite 3320, Denver, Colorado 80202–3050

FOR FURTHER INFORMATION CONTACT: For further information about the Project and/or to have your name added to the mailing list, contact: Marcelo Calle, OSMRE Project Coordinator, at 303–293–5035. 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: On March 28, 2014 (79 FR 17569), we published a notice of availability (NOA) for the Four Corners Power Plant and Navajo Mine Energy Project DEIS. The NOA requested public comments on the content of the DEIS. The close of the

public comment period for the NOA published on March 28, 2014, was May 27, 2014. In response to requests for an extension of the comment period, we are granting a 31 day extension until June 27, 2014.

The March 28, 2014, NOA listed the locations, dates and times of the public meetings, identified the locations of repositories where the DEIS could be reviewed and provided instructions for submitting comments. To summarize, the DEIS analyzed the impacts for the Navajo Transitional Energy Company Proposed Pinabete Permit and for the Navajo Mine Permit Renewal, both of which are located on the Navajo Reservation in San Juan County, New Mexico. The DEIS also analyzed the impacts for the Arizona Public Service Company Proposed Four Corners Power Plant (FCPP) lease amendment, located on the Navajo Reservation in San Juan County, New Mexico, and associated transmission line rights-of-way renewals for lines located on the Navajo and Hopi Reservations in San Juan County, New Mexico and Navajo, Coconino and Apache Counties in Arizona. In addition, the DEIS analyzed impacts for the Public Service Company of New Mexico transmission line rights-of-way renewal associated with the FCPP and located on the Navajo Reservation in New Mexico.

Availability of Comments

OSMRE will make comments, including name of respondent, address, phone number, email address, or other personal identifying information, available for public review during normal business hours. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments may not have standing to appeal the subsequent decision.

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—will be publicly available. 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: May 9, 2014.

Joseph G. Pizarchik,

Director.

[FR Doc. 2014–11396 Filed 5–15–14; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–513 and 731–TA–1249 (Preliminary)]

Sugar From Mexico

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Mexico of sugar, provided for in statistical subheadings 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1000, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1025, 1701.99.1050, 1701.99.5025, 1701.99.5050, and 1702.90.4000 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV''), and that are allegedly subsidized by the Government of Mexico.[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On March 28, 2014, a petition was filed with the Commission and Commerce by the American Sugar Coalition and its members: American Sugar Cane League, Thibodaux, LA; American Sugarbeet Growers Association, Washington, DC; American Sugar Refining, Inc., West Palm Beach, FL; Florida Sugar Cane League, Washington, DC; Hawaiian Commercial and Sugar Company, Puunene, HI; Rio Grande Valley Sugar Growers, Inc., Santa Rosa, TX; Sugar Cane Growers Cooperative of Florida, Belle Glade, FL; and United States Beet Sugar Association, Washington, DC, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of sugar from Mexico. Accordingly, effective March 28, 2014, the Commission instituted countervailing duty investigation No. 701–TA–513 and antidumping duty investigation No. 731–TA–1249 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 3, 2014 (79 FR 18697). The conference was held in Washington, DC, on April 18, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on May 12, 2014. The views of the Commission are contained in USITC Publication 4467 (May 2014), entitled *Sugar from Mexico: Investigation Nos. 701–TA–513 and 731–TA–1249 (Preliminary).*

By order of the Commission.

Issued: May 12, 2014.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–11301 Filed 5–15–14; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Rhonda K. Schmidtlein did not participate in these investigations.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–739 (Advisory)]

Certain Ground Fault Circuit Interrupters and Products Containing Same

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 88) by the presiding administrative law judge (''ALJ'') terminating advisory opinion proceedings that were initiated in the above-captioned investigation by Pass & Seymour, Inc. of Syracuse, New York (''P&S''), which was not a party in the underlying investigation. The ID terminates the proceedings based on a settlement agreement between P&S and complainant Leviton Manufacturing Co., Inc. of Melville, New York (''Leviton'').

FOR FURTHER INFORMATION CONTACT: Clark S. Cheney, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2661. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 8, 2010, based on a complaint filed by Leviton. 75 FR 62420 (Oct. 8, 2010). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain ground fault circuit interrupters (''GFCIs'') and products containing the same by reason of infringement of, *inter alia,* certain claims of U.S. Patent No. 7,737,809 (''the '809 patent''). In connection with briefing to the Commission on remedy and the public interest, non-party P&S argued for a carve-out for P&S GFCIs from any general exclusion order. The Commission rejected P&S's argument and issued, *inter alia,* a general exclusion order with respect to articles that infringe the '809 patent. Comm'n Op. 91–92 (Apr. 27, 2012).

On November 20, 2013, P&S filed a request with the Commission for an advisory opinion as to whether the relevant '809 patent claims referenced in the general exclusion order would read on certain P&S GFCIs. On February 10, 2014, the Commission instituted an advisory opinion proceeding. 79 FR 7699 (Feb. 10, 2014).

On April 4, 2014, P&S and Leviton filed a joint motion to terminate the advisory opinion proceeding based on a settlement agreement. On April 14, 2014, the Commission investigative attorney filed a response in support of the joint motion. On April 15, 2014, the ALJ issued the subject ID, terminating the advisory opinion proceeding based on the settlement agreement. The ALJ found that P&S and Leviton stated there were no other agreements between P&S and Leviton concerning the subject matter of the advisory opinion proceeding. The ALJ also found that terminating the advisory opinion proceeding based on the settlement would not impose any undue burdens on the public interest. No petitions for review of the ID were filed.

The Commission has determined not to review the ID. The advisory opinion proceeding is terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

Issued: May 13, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–11347 Filed 5–15–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–14–015]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 23, 2014 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701–TA–449 and 731–TA–1118–1121 (Review) (Light-Walled Rectangular Pipe and Tube from China, Korea, Mexico, and Turkey). The Commission is currently scheduled to complete and file its determinations and views of the Commission on June 6, 2014.
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: May 13, 2014.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–11451 Filed 5–14–14; 11:15 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0001]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Application for Cancellation of Removal for Certain Permanent Residents (42A) and Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents (42B)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 79, Number 51, page 14734, on March 17, 2014, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until June 16, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated

response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jeff Rosenblum, General Counsel, USDOJ–EOIR–OGC, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia, 20530; telephone: (703) 305–0470.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application for Cancellation of Removal for Certain Permanent Residents, and Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents.

(3) *Agency form number:* EOIR–42A and EOIR–42B

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual aliens determined to be removable from the United States. Other: None. Abstract: This information collection is necessary to determine the statutory eligibility of individual aliens who have been determined to be removable from the United States for cancellation of their removal, as well as to provide information relevant to a favorable exercise of discretion.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 34,815 respondents will complete the form annually with an average of 5 hours, 50 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 202,971 total annual burden hours associated with this collection annually.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–11340 Filed 5–15–14; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0045]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension of a Currently Approved Collection Bioterrorism Preparedness Act: Entity/Individual Information

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 50, page 14538, on March 14, 2014, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until June 16, 2014.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to John E. Strovers, National Instant Criminal Background Check System (NICS) Strategy and Systems Unit, Federal Bureau of Investigation, Criminal Justice Information Services Division, (CJIS), Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–2198.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Extension of current collection.

(2) *The title of the form/collection:* Federal Bureau of Investigation Bioterrorism Preparedness Act: Entity/Individual Information.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Forms FD–961; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal, individuals, business or other for profit, and not-for-profit institute. This collection is needed to receive names and other identifying information submitted by individuals requesting access to specific agents or toxins, and consult with appropriate officials of the Department of Health and Human Services and the Department of Agriculture as to whether certain individuals specified in the provisions should be denied access to or granted limited access to specific agents.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 3,772 (FY 2013) respondents at 45 minutes for FD–961 Form.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 2,829 hours, annual burden, associated with this information collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: May 13, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–11341 Filed 5–15–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0046]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Self-Certification, Training, and Logbooks for Regulated Sellers of Scheduled Listed Chemical Products

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 79, Number 44, page 12705, on March 06, 2014, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until June 16, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Ruth A. Carter, Chief, Policy Evaluation Analysis Section, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) Title *of the Form/Collection:* Self-Certification, Training, and Logbooks for Regulated Sellers of Scheduled Listed Chemical Products.

(3) *Agency form number:* DEA Form 597.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

CMEA mandates that retail sellers of scheduled listed chemical products maintain a written or electronic logbook of sales, retain a record of employee training, and complete a self-certification form verifying the training and compliance with CMEA provisions regarding retail sales of scheduled listed chemical products.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 60,043 persons are self-certified. It is estimated that 410,000 new employees of regulated sellers receive training regarding the requirements of the Combat Methamphetamine Epidemic Act of 2005 due to annual employee turnover. It is estimated that there are 25.5 million transactions involving the sale of scheduled listed chemical products annually. The table below shows the activities and time burdens associated with this collection.

Activity	Unit burden hour	Number of activities	Total burden hours
Training record	0.05 hour (3 minutes)	410,000	20,500
Self-certification	0.25 hour (15 minutes)	60,043	15,011
Transaction record	0.033 hour (2 minutes)	25,500,000	850,000
Customer time	0.033 hour (2 minutes)	25,500,000	850,000
Total			1,735,511

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,735,511 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: May 13, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–11339 Filed 5–15–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum

Notice is hereby given that, on April 23, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), TeleManagement Forum (''the Forum'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, New South Wales Government Telecommunications Authority, Sydney, AUSTRALIA; IAB bvba—ICT Architecture, Leuven, BELGIUM; Botswana Fibre Networks (Pty) Ltd, Gaborone CBD, BOTSWANA; Cleartech, Barueri, BRAZIL; WebRadar, Rio de Janeiro, BRAZIL; BC Hydro, Vancouver, CANADA; Global Telecom Holding SAE, Cairo, EGYPT; QualiSystems, Ganey-Tikva, ISRAEL; Selex ES, Rome, ITALY; Almadar Aljadid, Tripoli, LIBYA; Ciminko Luxembourg, Ahn, LUXEMBOURG; Post Group, Luxembourg, LUXEMBOURG; Mozambique Cellular SARL (mcel), Maputo, MOZAMBIQUE; Telecomunication of Mozambique, Maputo, MOZAMBIQUE; Genesys Telecommunications Laboratories B.V., Naarden, NETHERLANDS; ePLDT Inc., Makati City, PHILIPPINES; CBOSS, Moscow, RUSSIA; Cornastone Telecommunications (Pty) Ltd, Cape Town, SOUTH AFRICA; Enable-U, Johannnesburg, SOUTH AFRICA; Indian Atlantic Telecoms, Johannesburg, SOUTH AFRICA; Indra Sistemas S.A., Madrid, SPAIN; BolgiaTen Ltd, Liverpool, ENGLAND; Driva Solutions, LLC, Bellevue, WA; Big Data Works, Plano, TX; Svarog Technology Group Inc., Half Moon Bay, CA; Citizen Telecom Services Company LLC. d/b/a Frontier Communications, Rochester, NY; Spirent Communications, Eatontown, NJ; Mendix Inc, Boston, MA; AetherPal, South Plainfield, NJ; Vietnam Posts and Telecommunications Group (VNPT), Hanoi, VIETNAM, have been added as parties to this venture.

The following members have changed their names: Nokia Siemens Networks to Nokia Solutions and Networks, Munich, GERMANY; TMNG Global to Cartesian, McLean, VA; Aliant Inc. to Bell Aliant, Hallifax, CANADA; Protiviti Member Firm Kuwait to Protiviti Member Firm Qatar LLC, Kuwait, KUWAIT; tarantula.NET to Tarantula, Slough, UNITED KINGDOM; Detica Ltd to BAE Systems Applied Intelligence, London, UNITED KINGDOM; DGiT Consultants Pty Ltd to DGiT, Prahran, AUSTRALIA; and SYMBIOSS to ARTIN Solutions, Bratislava, SLOVAK REPUBLIC.

The following members have withdrawn as parties to this venture: IPLAN Networks, Buenos Aires, ARGENTINA; Siemens Convergence Creators GmbH, Vienna, AUSTRIA; AsGa Sistemas, São Paulo, BRAZIL; Projeca Oy, Helsinki, FINLAND; ASTELLIA, Vern Sur Seiche, FRANCE; e.discom Telekommunikation GmbH, Potsdam, GERMANY; Objective Technologies SA, Athens, GREECE; Cognity Consulting, Athens, GREECE; DANU Technologies Ireland Ltd, Dublin, IRELAND; The Now Factory, Dublin, IRELAND; GICM Associates, Inc, Almaty, KAZAKHSTAN; Korea Telecom, Seongnam City, KOREA; DUXDILIGENS, S.A. DE C.V., Mexico City, MEXICO; Multimedios Redes, Monterrey, MEXICO; Two Degrees Mobile Ltd, Auckland, NEW ZEALAND; 3Consulting, Lagos, NIGERIA; Paltel Group, Nablus, PALESTINIAN TERRITORY; Yota Group, St. Petersburg, RUSSIA; Fastwire, Singapore, SINGAPORE; Luminet Group South Africa, Centurion, SOUTH AFRICA; MobileTV(Pty)Ltd, Gauteng, SOUTH AFRICA; CellC, Johannesburg, SOUTH AFRICA; hybris AG, Rotkreuz, SWITZERLAND; JSC UKRTELECOM, Kyiv, UKRAINE; S.S.C. FZE, Dubai, UNITED ARAB EMIRATES; Tribold, London, UNITED KINGDOM; Convergys, Cambridge, UNITED KINGDOM; Sytel Reply Ltd UK, London, UNITED KINGDOM; Enstratius, Edinburgh, UNITED KINGDOM; Kitka Ltd, London, UNITED KINGDOM; Agilis International, Inc., Rockville, MD; Talksum, Inc., San Francisco, CA; Virtual Instruments, San Jose, CA; ThreatConnect (Division of Cyber Squared), Arlington, VA; Dassault Systemes Enovia Corp, Lowell, MA; Versant Corporation, Fremont, CA; Latro Services, Chantilly, VA; Hitachi Data Systems, Santa Clara, CA; Nominum, Redwood, CA; SundaySky, New York, NY; DAX Technologies, Matawan, NJ; Dayblink Consulting, LLC., Vienna, VA; CANTV, Edificio Cortijos, VENEZUELA; and RPG Grupo Consultores C.A., Caracas, VENEZUELA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, the Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on January 8, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 20, 2014 (79 FR 9766).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–11338 Filed 5–15–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Allseen Alliance,Inc.

Notice is hereby given that, on April 16, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), AllSeen Alliance, Inc. (''AllSeen Alliance'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, AT&T Services (on behalf of itself and its affiliates), Atlanta, GA; Audio Partnership Plc, London, UNITED KINGDOM; Beechwoods Software, Inc., Boston, MA; Beijing Winner Micro Electronics Co., Ltd., Haidian District, Beijing, PEOPLE'S REPUBLIC OF CHINA; CA Engineering, Draper, UT; EXO U Inc., Montreal, Quebec, CANADA; Guangdong Pisen Electronics Co., Ltd., Longgang District, Shenzhen City, PEOPLE'S REPUBLIC OF CHINA; Imagination Technologies, Sunnyvale, CA; Kii Corporation, Minato-ku, Tokyo, JAPAN; Lets GOWEX S.A., Madrid, SPAIN; Patavina Technologies s.r.l., Padova, ITALY; Qeo LLC, Indianapolis, IN; Two Bulls LLC, Brooklyn, NY; and Vestel Elektronik Sanayi ve Ticaret A.S., Manisan, TURKEY, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research

project remains open, and AllSeen Alliance intends to file additional written notifications disclosing all changes in membership.

On January 29, 2014, AllSeen Alliance filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 4, 2014 (79 FR 12223).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–11333 Filed 5–15–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act Of 1993—Sematech, Inc. d/b/a International Sematech

Notice is hereby given that, on April 21, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Sematech, Inc. d/b/a International Sematech (''SEMATECH'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Particle Measuring Systems, Boulder, CO; Seagate, Cupertino, CA; Quantum Global Technologies, Quakertown, PA; SK Hynix, Icheon-si, Gyeonggi-Do, REPUBLIC OF KOREA; HT Advanced, Kallang, SINGAPORE, have been added as parties to this venture.

Also, ST Micro, Coppell, TX; Vishay, Breisgau, GERMANY; and Tokyo Ohka Kogyo (TOK), Kanagawa-Ken, JAPAN, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SEMATECH intends to file additional written notifications disclosing all changes in membership.

On April 22, 1988, SEMATECH filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 19, 1988 (53 FR 17987).

The last notification was filed with the Department on February 6, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 13, 2014 (79 FR 14294).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–11337 Filed 5–15–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Opendaylight Project, Inc.

Notice is hereby given that, on April 21, 2014 pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), OpenDaylight Project, Inc. (''OpenDaylight'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Qosmos, Paris, FRANCE; 6Wind, Montigny-le-Bretonneux, FRANCE; Hangzhou H3C Technologies Co., Ltd., Hangzhou, PEOPLE'S REPUBLIC OF CHINA; Avaya Inc., Santa Clara, CA; and Oracle Corp., Santa Clara, CA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OpenDaylight intends to file additional written notifications disclosing all changes in membership.

On May 23, 2013, OpenDaylight filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 1, 2013 (78 FR 39326).

The last notification was filed with the Department on February 5, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 4, 2014 (79 FR 12223).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–11336 Filed 5–15–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

171st Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 171st open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on June 17–19, 2014.

The three-day meeting will take place at the U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. On June 17 and 19, the meeting will take place in C5320 Room 6. On June 18, the meeting will take place in C5521 Room 4. The meeting will run from 9:00 a.m. to approximately 5:30 p.m. on June 17–18 and from 8:30 a.m. to 4:30 p.m. on June 19, with a one hour break for lunch each day. The purpose of the open meeting is for Advisory Council members to hear testimony from invited witnesses and to receive an update from the Employee Benefits Security Administration (EBSA). The EBSA update is scheduled for the morning of June 18, subject to change.

The Advisory Council will study the following issues: (1) Issues and Considerations around Facilitating Lifetime Plan Participation, (2) Outsourcing Employee Benefit Plan Services, and (3) PBM Compensation and Fee Disclosure. The schedule for testimony and discussion of these issues generally will be one issue per day in the order noted above. Descriptions of these topics are available on the Advisory Council page of the EBSA Web site, at *www.dol.gov/ebsa/aboutebsa/erisa_advisory_council.html.*

Organizations or members of the public wishing to submit a written statement may do so by submitting 30 copies on or before June 10, 2014 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5623, 200 Constitution Avenue NW., Washington, DC 20210. Statements also may be submitted as email attachments in word processing or

pdf format transmitted to *good.larry@dol.gov.* It is requested that statements not be included in the body of the email. Statements deemed relevant by the Advisory Council and received on or before June 10 will be included in the record of the meeting and made available through the EBSA Public Disclosure Room, along with witness statements. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. Written statements submitted by invited witnesses will be posted on the Advisory Council page of the EBSA Web site, without change, and can be retrieved by most Internet search engines.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 693–8668. Oral presentations will be limited to 10 minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact the Executive Secretary by June 10.

Signed at Washington, DC, this 9th day of May 2014.

Phyllis C. Borzi,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2014–11284 Filed 5–15–14; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Comment Request

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Notice for solicitation of comments.

SUMMARY: The Bureau of Labor Statistics is seeking comments on the proposed new method for projecting occupational separations. An experimental dataset comparing results from the current and alternate method, along with a description of the new method, is ready for users to review and provide feedback.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before July 15, 2014.

ADDRESSES: Send comments to Michael Wolf, Division of Occupational Employment Projections, Office of Employment and Unemployment Statistics, Bureau of Labor Statistics, Room 2135, 2 Massachusetts Avenue NE., Washington, DC 20212 or by email to: *wolf.michael@bls.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Wolf, Office of Employment and Unemployment Statistics, Bureau of Labor Statistics, telephone number 202–691–5714 (this is not a toll-free number), or by email to: *wolf.michael@bls.gov.*

SUPPLEMENTARY INFORMATION:

I. Backgound

The Department of Labor through the Bureau of Labor Statistics (BLS) is responsible for the development and publication of occupational employment projections and related career information. One element of the projections is estimates of job openings due to growth and replacement needs. Replacement needs measure openings that result from workers leaving an occupation for reasons such as retirement or career changes. BLS has developed a new method for measuring openings that estimates occupational separations. An experimental dataset comparing results from the current and alternate method, along with a description of the new method, is ready for users to provide feedback.

II. New Method

The new method uses historical data to measure two types of workers who separate from their current occupation. Workers who leave their current occupation and find employment in a different occupation (occupational transfers) are measured using the Current Population Survey (CPS) Annual Social and Economic Supplement (ASEC), while workers who leave the labor force entirely (labor force exits) are measured using matched monthly data from the CPS. This historical data is used in a probit model to estimate the effects of various demographic characteristics, then the results of the model are applied to the current demographics of an occupation to estimate future occupational separations. A more detailed description of the methodology is available here: *http://www.bls.gov/emp/ep_separations_methods.htm.* The new method is conceptually similar to the current method, with the following key distinctions:

- The new method measures separations, while the current method measures replacements. Replacements are equal to separations for growing occupations, but not for declining occupations. The current method adjusts for declining occupations within the calculation, while the new method adjusts after calculation using the BLS occupational employment projections.
- The new method measures two distinct sources of separations, separations that result from workers transferring to a different occupation, and separations that result from workers exiting the labor force altogether, and reports them both separately and as a combined measure. The current method provides just one measure for all replacements.
- Both the current method and the new method estimate replacements or separations due to workers permanently leaving an occupation. The current method does this by excluding separations from workers in the same age cohort as workers who enter the occupation. The new method does this by only measuring separations from workers who transfer to a different major occupational group, or who exit the labor force for at least 4 months.

Additional information on why BLS is proposing this alternate methodology is available here: *http://www.bls.gov/emp/ep_separations_change.htm.*

III. Terminology

BLS also proposes using new terminology for this data. As noted above, the new methodology measures separations, while the current methodology measures replacements, so BLS would replace the data series descriptor 'Replacement Needs' with 'Occupational Separations' and the data series descriptor 'Replacement Rates' with 'Occupational Separation Rates'. In addition, the current data series descriptor 'Job Openings due to Growth and Replacement Needs' is similar in form, but conceptually different from another BLS data source, the Job Openings and Labor Turnover Survey. BLS proposes to rename this data series 'Openings due to Employment Change and Occupational Separations'.

Current terminology	Proposed new terminology
Replacement Needs	Occupational Separations.
Replacement Rates	Occupational Separation Rate.

Current terminology	Proposed new terminology
Job Openings due to Growth and Replacement Needs	Openings due to Employment Change and Occupational Separations.

IV. Experimental Data

BLS calculated 2012–22 replacement and separation rates using both methodologies to allow comparison of results. The experimental dataset includes the published 2012–22 replacement rates for 818 occupations as released by the BLS on December 19, 2013, along with the equivalent 2012–22 rates using the new method. Because of the differences between separations and replacements, rates for declining occupations are not directly comparable; titles for these occupations have been highlighted in red. For many occupations, particularly lower-skilled occupations that tend to have high turnover, the new method yields a higher rate than the current method, although for some occupations, the rates are comparable. The experimental dataset can be accessed from *http://www.bls.gov/emp/ep_separations_data.xlsx.*

V. Desired Focus of Comments

Comments and recommendations are requested from the public on the following aspects of the proposed methodology:

- The ability of results using the new method to meet the needs of customers
- The clarity of what is being measured with the new methodology
- The clarity of the terminology used with the new methodology

Signed at Washington, DC, this 12th day of May 2014.

Eric P. Molina,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2014–11286 Filed 5–15–14; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Proposed Extension of Existing Collection; Comment Request

AGENCY: Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Report of Changes that May Affect Your Black Lung Benefits (CM–929 and CM–929P). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before July 15, 2014.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3323, Washington, DC 20210, telephone (202) 693–0701, fax (202) 693–1449, Email *ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. 936, 30 U.S.C. 941 and 20 CFR 725.533(e) authorizes the Division of Coal Mine Workers' Compensation (DCMWC) to pay compensation to coal miner beneficiaries. Once a miner or survivor is found eligible for benefits, the primary beneficiary is requested to report certain changes that may affect benefits. To ensure that there is a review and update of all claims paid from the Black Lung Disability Trust Fund, and from Social Security cases transferred to the Department of Labor under the Black Lung Consolidation of Administrative Responsibilities Act of 2002, and to help the beneficiary comply with the need to report certain changes, the CM–929 is sent to all appropriate primary beneficiaries. The CM–929 is printed by the DCMWC computer system with information specific to each beneficiary, such as name, address, number of dependents on record, state workers' compensation information, and amount of current benefits. The beneficiary reviews the information and certifies that the information is current, or provides updated information. The form includes a warning about potential consequences of failure to report changes. DCMWC uses Information Collection OMB 1240–0020, Forms CM–623 and CM–623S, to monitor a representative payee's use of funds use of funds paid on a beneficiary's behalf. This is an annual reporting requirement and, while the information collected on OMB 1240–0028 and 1240–0020 is different, the same payees complete both forms and the same DCMWC claims examiner reviews them. Therefore, DCMWC incorporated the CM–929 into the CM–623 and CM–623S in those cases that appropriately had been sent both forms. This composite form is entitled CM–929P, and allows respondents to verify information to DCMWC once annually instead of twice, as is now required. This information collection is currently approved for use through September 30, 2014.

II. Review Focus

The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
* Enhance the quality, utility and clarity of the information to be collected; and
* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the approval for the extension of this currently-approved information collection in order to verify the accuracy of information in the beneficiary's

claims file, to identify changes in the beneficiary's status, and to ensure that the amount of compensation being paid the beneficiary is accurate.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Report of Changes That May Affect Your Black Lung Benefits.

OMB Number: 1240–0028.

Agency Number: CM–929 and CM–929P.

Affected Public: Individuals and Not-for-profit institutions.

Form	Time to complete (minutes)	Frequency of response	Number of respondents	Number of responses	Hours burden
CM–929	5–8	Annually	31,000	31,000	2,738
CM–929P	6–80	Annually	4,030	4,030	4,380
Totals	12		35,030	35,030	7,118

Total Respondents: 35,030.

Total Annual Responses: 35,030.

Average Time per Response: 12 minutes.

Estimated Total Burden Hours: 7,118.

Frequency: Annually.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: May 9, 2014.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2014–11299 Filed 5–15–14; 8:45 am]

BILLING CODE 4510–CK–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts Advisory Panel meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that ten meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference at the National Endowment for the Arts, Washington, DC, 20506 as follows (all meetings are Eastern time and ending times are approximate):

Local Arts Agencies (application review): This meeting will be closed.

Dates: June 5, 2014. 3:00 p.m. to 5:00 p.m.

Opera (application review): This meeting will be closed.

Dates: June 10, 2014. 12:00 p.m. to 1:30 p.m.

Opera (application review): This meeting will be closed.

Dates: June 10, 2014. 3:00 p.m. to 4:30 p.m.

Theater and Musical Theater (application review): This meeting will be closed.

Dates: June 12, 2014. 12:00 p.m. to 2:00 p.m.

Theater and Musical Theater (application review): This meeting will be closed.

Dates: June 12, 2014. 3:00 p.m. to 5:00 p.m.

Dance (application review): This meeting will be closed.

Dates: June 13, 2014. 11:00 a.m. to 1:00 p.m.

Dance (application review): This meeting will be closed.

Dates: June 13, 2014. 1:30 p.m. to 3:30 p.m.

Dance (application review): This meeting will be closed.

Dates: June 13, 2014. 4:00 p.m. to 6:00 p.m.

Folk and Traditional Arts (application review): This meeting will be closed.

Dates: June 13, 2014. 2:00 p.m. to 4:00 p.m.

Folk and Traditional Arts (application review): This meeting will be closed.

Dates: June 20, 2014. 2:00 p.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506; *plowitzk@arts.gov*, or call 202/682–5691.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 15, 2012, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Dated: May 13, 2014.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2014–11330 Filed 5–15–14; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by June 16, 2014. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Li Ling Hamady, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as

amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2015–001

1. *Applicant*: Robert Pitman, NOAA, NMFS, Southwest Fisheries Science Center, 8901 La Jolla Shores Dr, La Jolla CA USA 92037

Activity for Which Permit Is Requested

Take and import into the U.S. The applicant's study of movement patterns, diet preferences, and genetics of whales calls for collecting pencil eraser size tissue samples from up to 200 killer whales (*Orcinus orca*), 15 common minke whales (*Balaenoptera acutorostrata*), 10 Arnoux's beaked whales (*Berardius arnuxii*), 15 blue whales (*Balaenoptera musculus*), 50 Antarctic minke whales (*Balaenoptera bonaerensis*), 10 southern right whales (*Eubalaena australis*), 35 sperm whales (*Physeter macrocephalus*), 35 fin whales (*Balaenoptera physalus*), and 50 humpback whales (*Megaptera movaengliae*) of both sexes. The tissue samples will be used in food and habitat studies (using stable isotopes and fatty acids). The same samples will also be used to determine genetic distinctness of the different killer whale types in Antarctica. Tissue samples will be imported to the U.S. for analysis at the Southwest Fisheries Science Center. Small (ca 40g) satellite tags or suction cup tags will be attached to some whales to investigate movement patterns. Whales will also be photographed for photo identification purposes. Additionally, dead marine birds or mammals and parts thereof from killer whale kills will be salvaged, when possible, for identification and to determine baseline environmental chemical composition.

Location

Southern Ross Sea, Antarctic Peninsula.

Dates

October 1, 2014 to October 1, 2020.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–11372 Filed 5–15–14; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: LIGO Annual Review Site Visit at Hanford Observatory for Physics (1208).

Date and Time:

Tuesday, June 24, 2014; 8:00 a.m.–6:00 p.m.

Wednesday, June 25, 2014; 8:00 a.m.–6:00 p.m.

Thursday, June 26, 2014; 8:00 a.m.–12:00 p.m.

Place: LIGO site at Hanford, WA.

Type of Meeting: Partially Closed.

Contact Person: Mark Coles, Director of Large Facilities, Division of Physics, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–4432.

Purpose of Meeting: To provide an evaluation of the project construction for implementation of the AdvLIGO project to the National Science Foundation.

Agenda

Tuesday, June 24, 2014

7:00 a.m. Depart from hotel
7:45 Open—Arrive at LIGO Hanford Observatory, check-in
8:00 Open—Panel session
8:30 Open—Introduction: LIGO, Advanced LIGO, the 3rd Interferometer
9:00 Open—Post-Project Operations activities
9:15 Open—Storage Plan Overview by subsystem, Q&A
10:30 Open—tour
12:30 Open—lunch
13:00 Closed—Executive Session
18:00 Closed—Closeout presentation by review panel

Wednesday, June 25, 2014

7:00 a.m. Depart from hotel
7:45 Open—Arrive at LIGO Hanford Observatory, check-in
8:00 Open—Panel session
8:30 Open—Introduction: LIGO, Advanced LIGO, the 3rd Interferometer
9:00 Open—Post-Project Operations activities
9:15 Open—Storage Plan Overview by subsystem, Q&A
10:30 Open—tour
12:30 Open—lunch
13:00 Closed—Executive Session
18:00 Closed—Closeout presentation by review panel

Thursday, June 26, 2014

7:00 a.m. Depart from hotel
7:45 Closed—Executive Session
8:00 Closed—Writing Report
12:00 Adjourn

Reason for Closing: The proposal to be discussed and evaluated during the site review will include information of a proprietary or confidential nature, including technical information, and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: May 12, 2014.

Suzanne Plimpton,

Acting, Committee Management Officer.

[FR Doc. 2014–11300 Filed 5–15–14; 8:45 am]

BILLING CODE P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Li Ling Hamady, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: On March 18, 2014 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on April 24, 2014 to: Prof. Chi-Hing Christina Cheng, Permit No. 2014–030.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–11371 Filed 5–15–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0110]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal**

Register under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 241, ''Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters.''

2. *Current OMB approval number:* 3150–0013.

3. *How often the collection is required:* NRC Form 241 must be submitted each time an Agreement State licensee wants to engage in or revise its activities involving the use of radioactive byproduct material in a non-Agreement State, areas of exclusive Federal jurisdiction, or offshore waters. The NRC may waive the requirements for filing additional copies of NRC Form 241 during the remainder of the calendar year following receipt of the initial form.

4. *Who is required or asked to report:* Any licensee who holds a specific license from an Agreement State and wants to conduct the same activity in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters under the general license in Section 150.20 of Title 10 of the *Code of Federal Regulations* (10 CFR).

5. *The number of annual respondents:* 153 respondents.

6. *The number of hours needed annually to complete the requirement or request:* 293.25 hours (76.5 hours for initial submission + 201.25 hours for changes + 15.5 hours for clarifications)

7. *Abstract:* Any Agreement State licensee who engages in the use of radioactive material in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters, under the general license in 10 CFR 150.20, is required to file, with the NRC Regional Administrator for the Region in which the Agreement State that issues the license is located, a copy of NRC Form 241 (''Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters''), a copy of its Agreement State specific license, and the appropriate fee as prescribed in 10 CFR 170.31 at least 3 days before engaging in such activity. This mandatory notification permits the NRC to schedule inspections of the activities to determine whether the activities are being conducted in accordance with requirements for protection of the public health and safety.

DATES: Submit, by July 15, 2014, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly-available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2014–0110. You may submit your comments by any of the following methods: Electronic comments go to *http://www.regulations.gov* and search for Docket No. NRC–2014–0110. Mail comments to the Acting NRC Clearance Officer, Kristen Benney (T–5 F50), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Questions about the information collection requirements may be directed to the Acting NRC Clearance Officer, Kristen Benney (T–5 F50), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6355, or by email to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 12th day of *May*, 2014.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–11376 Filed 5–15–14; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Form TCR—Implementing the Whistleblower Provisions of Section 21F of the Securities Exchange Act of 1934; SEC File No. 270–625, OMB Control No. 3235–0686.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit an extension for this current collection of information to the Office of Management and Budget for approval.

In Release No. 34–64545,[1] the Commission adopted rules (''Rules'') and forms to implement Section 21F of the Securities Exchange Act of 1934 entitled ''Securities Whistleblower Incentives and Protection,'' which was created by Section 922 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'').[2] The Rules describe the whistleblower program that the Commission has established pursuant to the Dodd-Frank Act which requires the Commission to pay an award, subject to certain limitations and conditions, to whistleblowers who voluntarily provide the Commission with original information about a violation of the federal securities laws that leads to the successful enforcement of a covered judicial or administrative action, or of a related action. The Rules define certain terms critical to the operation of the whistleblower program, outline the procedures for applying for awards and the Commission's procedures for making decisions on claims, and generally explain the scope of the whistleblower program to the public and to potential whistleblowers.

Form TCR is a form submitted by whistleblowers who wish to provide information to the Commission and its staff regarding potential violations of the securities laws. Form TCR is required

[1] Implementation of the Whistleblower Provisions of Section 21F of the Securities Exchange Act of 1934, Release No. 34–64545; File No. S7–33–10 (adopted May 25, 2011).

[2] Public Law 111–203, § 922(a), 124 Stat 1841 (2010).

for submission of information under the Rules. The Commission estimates that it takes a whistleblower, on average, one and one-half hours to complete Form TCR. Based on the receipt of 3,120 annual responses on average for the past two fiscal years,[3] the Commission estimates that the annual PRA burden of Form TCR is 4,680 hours.

Form WB–APP is a form that is submitted by whistleblowers filing a claim for a whistleblower award. Form WB–APP is required for application for an award under the Rules. The Commission estimates that it takes a whistleblower, on average, two hours to complete Form WB–APP. The completion time depends largely on the complexity of the alleged violation and the amount of information the whistleblower possesses in support of his or her application for an award. Based on the receipt of 53 annual responses on average for the past two fiscal years, the Commission estimates that the annual PRA burden of Form WB–APP is 106 hours.

Estimated annual reporting burden = 4,786 hours

Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication. Please direct your written comments to Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F St. NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: May 12, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11298 Filed 5–15–14; 8:45 am]

BILLING CODE 8011–01–P

[3] Fiscal Year 2012 marks the first full year of whistleblower program data since the enactment of the Rules.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72152; File No. SR–Phlx–2014–32]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding the Limitation on Entering Electronic Limit Orders From Off the Floor of the Exchange

May 12, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on May 2, 2014, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposal to amend Phlx Rule 1080 (Phlx XL and Phlx XL II) to change the limitation on Exchange members entering, or facilitating entry of, electronic limit orders in the same option series from off the floor of the Exchange, so that the limitation does not apply to off floor broker dealers or Professionals as defined in Rule 1000(b)(14).[3]

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As discussed in the proposal, the limitation will continue to apply to Professional all-or-none orders.

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 Phlx Rule 1080(j) to change the limitation on Exchange members entering, or facilitating entry of, electronic limit orders in the same option series from off the floor of the Exchange (known as ''limitation'' or ''limitation on orders''), so that the limitation does not apply to off floor broker dealers or Professionals as defined in Rule 1000(b)(14).[4]

This proposal will align the Exchange with other options markets that do not limit the entry of off floor broker dealer and Professional limit orders, and effectively acting as market makers.[5]

There are, along with specialists, several types of Registered Option Traders (''ROTs'') on the Exchange. These include market makers that are Streaming Quote Traders (''SQTs''),[6] Directed Streaming Quote Traders (''DSQTs''), Remote Streaming Quote Traders (''RSQTs'') [7] and Directed Remote Streaming Quote Traders (''DRSQTs'').[8] Specialists may function

[4] Per Rule 1000(b)(14), the term ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

[5] *See* subsection (b) of International Securities Exchange (''ISE'') Rule 717 (Limitations on Orders). As discussed, while the language of the ISE Rule 717 and Exchange Rule 1080(j) is different, as a result of this filing the practical effect of the rules will be similar.

[6] An SQT is an ROT who has received permission from the Exchange to generate and submit option quotations electronically in eligible options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the floor of the Exchange. *See* Phlx Rule 1014(b)(ii)(A).

[7] An RSQT is an ROT that is a member or member organization with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in eligible options to which such RSQT has been assigned. An RSQT may only submit such quotations electronically from off the floor of the Exchange. *See* Phlx Rule 1014(b)(ii)(B). As many as three RSQTs may be affiliated with an RSQT Organization.

[8] A DSQT is an SQT and a DRSQT is an RSQT that receives a Directed Order. Exchange Phlx Rule 1080(l)(i)(A) defines Directed Order as any customer order (other than a stop or stop-limit order as defined in Phlx Rule 1066) to buy or sell which has been directed to a particular specialist, RSQT, or SQT by an Order Flow Provider and delivered to the Exchange via its electronic quoting, execution and trading system.

on the floor of the Exchange as well as off floor (''Remote Specialists'').[9]

Current Phlx Rule 1080 developed from a decades-old pilot program to operate the Exchange's Automated Options market (''AUTOM'') system to allow electronic delivery of options orders from member firms directly to the appropriate specialist on the Exchange options trading floor (with electronic confirmation of order executions).[10] The AUTOM order delivery system grew over the years into the current fully automated Phlx options trading system XL II [11] that is codified in Phlx Rule 1080. In addition to XL II, Phlx Rule 1080 deals with, among other things, eligibility and processing of electronic orders, how PIXL works, complex PIXL orders,[12] qualified contingent cross orders,[13] and acceptable trade range.[14]

Subsection (j) of Phlx Rule 1080 sets forth the limitation on orders. Subsection (j) states that members [15] shall not enter, or facilitate entry into AUTOM, as principal or agent, limit orders in the same options series from off the floor of the Exchange, for the account or accounts of the same or related beneficial owners, in such a manner that the off-floor member or the beneficial owner(s) effectively is operating as a market maker by holding itself out as willing to buy and sell such options contract on a regular or continuous basis.[16] The current restriction on all limit orders is no longer needed or advisable.

The Exchange proposes to change the limitation in subsection (j) of Phlx Rule 1080 so that it is not applicable to off floor broker dealer limit orders or Professional limit orders (except Professional all-or-none orders). Specifically, the Exchange proposes at the end of subsection (j) to state that the limitation set forth in this rule 1080(j) does not apply to the accounts of off floor broker dealers or Professionals as the term is defined in Rule 1000(b)(14). Notwithstanding the foregoing, the limitation set forth in Rule 1080(j) will continue to apply to all-or-none orders submitted by Professionals to the Exchange.[17] This is because Professionals are treated in the same manner as off-floor broker dealers for purposes of priority, but would have priority akin to customers in terms of all-or none order submitted to the Exchange.[18] Moreover, non-Professional, non-broker-dealer customer orders have priority over Professional orders.[19] The proposed language change would make the Exchange limitation similar to that found on another options market, namely ISE.

Subsection (j) of Phlx Rule 1080, as amended, is substantially similar in its practical effect to ISE Rule 717, which disallows entry of Priority Customer [20] limit orders in the same options series. In a similar manner, the Exchange proposal in subsection (j) disallows entry of limit orders in the same options series from off the floor of the Exchange, except for off floor broker dealers and Professionals. As such, the proposal is pro-competitive because it would allow entry of orders on the Exchange similar to those that are allowed on other markets. Changing the limitation to exclude off floor broker dealers and Professionals, being competitive in nature, is beneficial for market participants and investors.

Moreover, the current limitation for all limit orders is no longer needed or desirable. The limitation was added more than a dozen years ago [21] when Exchange options trading was rooted in the on-floor auction model with a traditional open outcry trading floor. When the limitation was added for all limit orders, electronic market makers such as Remote Specialists, SQTs, and RSQTs (together known as ''electronic market makers'') did not exist; [22] the options trading floor was principally populated by on-floor trading crowds. At the time of the limitation filing, when rules and processes for electronic market makers were not yet fully established, there was a concern that certain off-floor traders had the ability to engage in simultaneous or near-simultaneous entry of limit orders, thereby effectively functioning as market makers from off the floor of the Exchange.[23] Over the last eight years, however, the traditional open outcry trading floor on the Exchange has evolved into a robust, predominantly

[9] A Remote Specialist is an options specialist in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Phlx Rule 501. Phlx Rule 1020.

[10] *See* Securities Exchange Act Release No. 25540, 53 FR 11390 (April 6, 1988) (SR–Phlx–88–10) (order granting approval of pilot program establishing AUTOM). *See also* Phlx Rule 1080(a) discussing AUTOM: (a) AUTOM is the Exchange's electronic order delivery and reporting system, which provides for the automatic entry and routing of Exchange-listed equity options, index options and U.S. dollar-settled foreign currency options orders to the Exchange trading floor. Orders delivered through AUTOM may be executed manually, or certain orders are eligible for AUTOM's automatic execution feature, AUTO–X, in accordance with the provisions of this Rule. Equity option, index option and U.S. dollar-settled foreign currency option specialists are required by the Exchange to participate in AUTOM and its features and enhancements. Option orders entered by Exchange member organizations into AUTOM are routed to the appropriate specialist unit on the Exchange trading floor. AUTOM and AUTO–X were replaced by the Phlx XL System, such that references to both terms refer to Phlx XL.

[11] *See* Securities Exchange Act Release No. 50100 (July 27, 2004), 69 FR 46612 (August 3, 2004) (SR–Phlx–2003–59) (order granting approval of the Exchange's new electronic trading system Phlx XL, now known as XL II). The electronic trading system has continued being enhanced. *See, e.g.,* Securities Exchange Act Release Nos. 63027 (October 1, 2010), 75 FR 62160 (October 7, 2010) (SR–Phlx–2010–108) (order granting approval of Price Improvement XL, PIXL); and 69845 (June 25, 2013), 78 FR 39429 (July 1, 2013) (SR–Phlx–2013–46) (order granting approval of Complex Order PIXL).

[12] Phlx Rule 1080(n). This section allows six-legged complex orders into PIXL.

[13] Phlx Rule 1080(o).

[14] Phlx Rule 1080(p).

[15] Phlx Rule 900.2 indicates how potential members may seek admission to the Exchange.

[16] In determining whether an off-floor member or beneficial owner effectively is operating as a market maker, the Exchange will consider, among other things: The simultaneous or near-simultaneous entry of limit orders to buy and sell the same options contract; the multiple acquisition and liquidation of positions in the same options series during the same day; and the entry of multiple limit orders at different prices in the same options series. Phlx Rule 1080(j).

[17] Post filing, in addition to Professional all-or-none orders submitted to the Exchange, the limitation would continue to apply to non-Professional customer orders. The Exchange defines customer per Rule 1083(f) as an individual or organization that is not a broker dealer; non-Professional customer refers to an individual or organization that is neither a Professional nor a broker dealer.

[18] *See, e.g.,* Rule 1014(g).

[19] Rule 1014(g)(vii).

[20] Unlike ISE, the Exchange does not currently have a separate category called Priority Customer. However, as discussed, after this filing the practical effect of the ISE and Exchange rules will be similar. As proposed herein the limitation would not be applicable to broker dealer orders and Professional Orders, similarly to ISE. *See* Securities Exchange Act Release No. 63017 (September 29, 2010), 75 FR 61795 (October 6, 2010) (SR–ISE–2010–95) (ISE does not believe necessary to impose ISE Rule 717 limitations on Priority Orders, which exclude broker dealers, and Voluntary Professionals because they are not subject to priority that is any better than market makers). In note 7 of its filing, ISE noted that the Commission has previously found that it is consistent with the Act for an options exchange not to prohibit a user of its market from effectively operating as a market maker by holding itself out as willing to buy and sell options contracts on a regular or continuous basis without registering as a market maker. *See* Securities Exchange Act Release No. 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008) (SR–NASDAQ–2007–004).

[21] *See* Securities Exchange Act Release No. 43939 (February 7, 2001), 66 FR 10547 (February 15, 2001) (SR–Phlx–2001–05) (notice of filing and immediate effectiveness adopting Phlx Rule 1080(j)) (the ''limitation filing'').

[22] Electronic market makers including RSQTs and Remote Specialists were introduced, and became prevalent, in the last eight years. *See* Securities Exchange Act Release Nos. 51126 (February 2, 2005), 70 FR 6915 (February 9, 2005) (SR–Phlx–2004–90) (approval order relating to establishment of RSQTs); and 63717 (January 14, 2011), 76 FR 4141 (January 24, 2011) (SR–Phlx–2010–145) (approval order relating to establishment of options Remote Specialists).

[23] *See* 66 FR 10547, 10548.

electronic trading environment, with significantly fewer on-floor traders than off-floor traders and electronic market makers working through the Exchange's electronic trading system, XL II. As such, although the limitation was developed for a traditional trading floor that was only beginning to introduce electronic trading, the limitation on all limit orders from off the floor no longer makes sense in the current well-developed, predominantly electronic trading environment on the Exchange, where electronic market makers (and electronic market making including from off the floor) are no longer the exception but rather the norm.

The Exchange is also proposing to change the word ''AUTOM'' to ''Phlx XL'' to conform subsection (j) of Phlx Rule 1080 to the language of Rule 1080.[24] Because AUTOM does not exist anymore, this change is done for purposes of clarity and to minimize potential confusion.

The Exchange notes that changing the limitation as proposed would ensure that the current limitation against all members and market participants entering limit orders into Phlx XL in the same options series from off the floor of the Exchange, does not apply to off floor broker dealers or Professionals. This makes sense in the current highly-developed electronic trading environment that operates alongside the traditional on-floor trading system.[25] Off-floor electronic market makers, including those that are broker dealers or Professionals, are now a known and time-tested component of the Exchange that adds significant liquidity and depth to the benefit of market participants. The Exchange believes that changing the limitation should result in tighter bid ask spreads for all market participants wishing to access posted liquidity.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[26] in general, and furthers the objectives of Section 6(b)(5) of the Act[27] 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, by changing the current order limitation so that the limitation no longer applies to off floor broker dealers or Professionals.

First, although the limitation on orders was added more than a dozen years ago when Exchange options trading was rooted in the on-floor auction model with a traditional open outcry trading floor, the Exchange trading system has developed into the robust, predominantly electronic trading system where most orders, whether limit or other orders, are entered from off the floor of the Exchange. The current expansive limitation is no longer needed, and is counter-productive in its current form. Second, because broker dealer and Professional orders, which tend to increase liquidity, are not subject to priority on the Exchange that is any better than other market makers, or, for that matter, non-Professional customers (except for Professional all-or-none orders), the Exchange does not believe that it is necessary to impose the Rule 1080(j) restrictions on the entry of off floor broker dealer or Professional limit orders (except for Professional all-or-none orders). In that non-Professional customer orders are provided with certain benefits such as priority on the Exchange, *see* Phlx Rule 1014(g) and 1080(n)(ii)(E), the Exchange believes that the limitation applicable to non-Professional customers is counterbalanced by their priority and it is proper for the limitation to continue to apply. The Exchange believes that the removal of the limitation on off floor broker dealers and Professionals, while continuing to apply the limitation to all-or-none orders submitted by Professionals to the Exchange[28] will permit entry of orders on both sides of the market more freely, resulting in more orders on the Exchange book and therefore increase liquidity on the Exchange market, all to the benefit of investors. And third, changing the limitation is competitive vis a vis other options exchanges that have a limitation that, as proposed herein, effectively does not apply to off floor broker dealers or Professionals. By promoting competition, the proposal may also lead to tighter, more efficient markets to the benefit of market participants including public investors that engage in trading and hedging on the Exchange.

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. To the contrary, the proposal further promotes competition on the Exchange which should lead to tighter, more efficient markets to the benefit of market participants including public investors that engage in trading and hedging on the Exchange, and thereby make the Exchange a desirable market vis a vis other options exchanges.

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

Because the foregoing 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, it has become effective pursuant to Section 19(b)(3)(A)(ii) [sic] of the Act[29] and subparagraph (f)(6) of Rule 19b–4 thereunder.[30]

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 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

[24] *See* supra note 10.

[25] The Exchange notes that like other older options markets (e.g., Chicago Board Options Exchange), it continues to operate a hybrid trading system.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

[28] *See* supra notes 18 and 19 and text regarding priority.

[29] 15 U.S.C. 78s(b)(3)(a) [sic].

[30] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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.

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–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–Phlx–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 such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2014–32, and should be submitted on or before June 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11295 Filed 5–15–14; 8:45 am]

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[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72149; File No. SR–BX–2014–024]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Consolidate Certain Committee Functions Into the BX Review Council

May 12, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 30, 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 the Substance of the Proposed Rule Change

BX proposes a rule change to consolidate responsibilities of certain committees of the Board of Directors and to make related changes to the Exchange By-Laws and Rules.

The text of the proposed rule change is available from BX's Web site at *http://nasdaqomxbx.cchwallstreet.com,* at BX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to expand the regulatory responsibilities of the Exchange Review Council (the ''Review Council''), a committee of the Exchange Board of Directors (the ''Board'') not composed solely of Directors, to include responsibilities of other Board committees not composed solely of Directors and consequently sunset those committees. The Exchange's committee structure and related Exchange By-Laws are largely based on those of its sister exchange NASDAQ,[3] which are largely based on those of NASD (now known as FINRA) and were adopted pursuant to NASDAQ's approval as a national securities exchange.[4] The Exchange is proposing to make its committee structure more efficient and effective by vesting the Review Council, which is a committee of the Board with both adjudicatory and policy responsibilities, with the adjudicatory responsibilities of the Market Operations Review Committee (''MORC'') and with the advisory role of the Market Regulation Committee.

Review Council

The Review Council is a Board committee charged with considering and making recommendations to the Board on policy and rule changes relating to business and sales practices of members and associated persons and enforcement policies, including policies with respect to fines and other sanctions. The Review Council is also an adjudicatory body, responsible for the review of appeals of disciplinary proceedings, statutory disqualification proceedings, or membership proceedings.[5] In addition, the Review Council may review offers of settlement, letters of acceptance, waiver and consent, and minor rule violation plan letters, exercises of exemptive authority, and such proceedings or actions as may be authorized by the Exchange's rules. The Review Council is comprised of no fewer than eight and no more than twelve members, whereby at least twenty percent of the members must be nominated by the Board's Member Nominating Committee.[6] Moreover, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 59154 (December 23, 2008), 73 FR 80468 (December 31, 2008) (SR–BSE–2008–48).

[4] Securities Exchange Act Release No. 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006).

[5] Decisions issued by the Review Council may be reviewed by the Board. *See, e.g.,* Rule 9351. If the Board does not call the proceeding for review, the proposed written decision of the Review Council shall constitute the final disciplinary action of BX for purposes of Exchange Act Rule 19d–1(c)(1), unless the Review Council remands the proceeding. *See, e.g.,* Rule 9349(c).

[6] Pursuant to the By-Laws, the Board's Member Nominating Committee is responsible for the nomination of candidates for each Member Representative Director position on the Board in accordance with Section 4.4 of the By-Laws, and

Review Council must have at least three Public members,[7] as defined in the By-Laws, and the number of Non-Industry members [8] shall equal or exceed the sum of the number of Industry members [9] and Member Representative members.[10] The By-Laws provide that a quorum for the transaction of business consists of a majority of the Review Council, including not less than 50 percent of the Non-Industry members of the Review Council and at least one Member Representative member.

Market Operations Review Committee

The MORC is responsible for considering Exchange member appeals of determinations made pursuant to Exchange Rules 4612, 4619, 4620, 11890, and Exchange Options Rules Chapter V Section 6. Decisions of the MORC in these matters are not appealable, however, determinations of the MORC with respect to Rule 11890 may be arbitrated.[11] The By-Laws require that the MORC be comprised of a number of Member Representative members that is equal to at least 20 percent of the total number of members of the MORC. Moreover, the By-Laws require that no more than 50 percent of the members of the MORC be engaged in market making activity or employed by a BX member firm whose revenues from market making exceed 10 percent of its total revenues. The By-Laws do not provide a description of what is a quorum for purposes of holding a meeting of the MORC, however, the committee has adopted a three member quorum requirement.[12]

Market Regulation Committee

The Market Regulation Committee (the ''Regulation Committee'') is a committee of the Board, which is responsible for providing advice and guidance to the Board on regulatory proposals and industry initiatives relating to quotations, execution, trade reporting, and trading practices; advising the Board in its administration of programs and systems for the surveillance and enforcement of rules governing Exchange Member's conduct and trading activities in the Exchange; providing a pool of attorney panelists for hearing panels under the Exchange rules; participating in the training of hearing panelists on issues relating to quotations, executions, trade reporting, and trading practices; and reviewing and recommending to the Review Council changes to the Exchange's guidelines for sanctions to be imposed on members for violations of Exchange rules. The Regulation Committee must have at least 50 percent Non-Industry committee members and must include a broad representation of participants in the Exchange, including investors, market makers, integrated retail firms and order entry firms. The By-Laws provide that a quorum for the transaction of business consists of a majority of the Regulation Committee, including not less than 50 percent of the Non-Industry committee members. The requirement that not less than 50 percent of Non-Industry members be present will be waived if at least 50 percent of the Non-Industry members are present at or have filed a waiver of attendance for a meeting after receiving an agenda prior to such meeting.

The New Review Council

The Exchange is proposing to expand the responsibilities of the Review Council by merging the adjudicatory role of the MORC and the advisory role of the Regulation Committee, both as described above, into the Review Council. The Exchange is proposing to amend the By-Laws and Exchange Rules by eliminating references to the Regulation Committee and MORC, and adding the description of these roles to the Review Council's responsibilities under the By-Laws and Exchange Rules. The Exchange is also proposing to define a new type of Panelist under the rules, which will replace the Regulation Committee Panelist. The new ''Special Panelist'' will take on the role provided currently by Regulation Committee Panelists, which is discussed in more detail below. All of these changes taken together will ensure each function of the MORC and Regulation Committee will continue, unaltered.

The current composition requirements of the Review Council are as prescriptive, if not more so, than the composition requirements of the MORC and Regulation Committee. As noted above, the Review Council must have between eight and twelve members, whereas the MORC and Regulation Committee have no such minimum and maximum composition requirements. In practice, both the MORC and Regulation Committee have fewer members than eight members each. In addition, the Review Council must have at least twenty percent of its members nominated by the Member Nominating

shall nominate candidates for appointment by the Board for each vacant or new position on the Exchange Listing and Hearing Review Council, the Exchange Review Council, or other committee that is to be filled with a Member Representative member under the terms of the By-Laws. *See* Exchange By-Law, Article IV, Section 4.14(b). Further provided by the By-Laws, the Member Nominating Committee shall consist of no fewer than three and no more than six members, and all members of the Member Nominating Committee shall be a current associated person of a current Exchange Member. *See* Exchange By-Law, Article IV, Section 4.14(b)(iii).

[7] ''Public member'' means an Exchange Listing and Hearing Review Council member, Exchange Review Council member, or member of any other committee appointed by the Board who has no material business relationship with a broker or dealer, the Corporation or its affiliates, or FINRA. *See* Exchange By-Law, Article I(hh).

[8] ''Non-Industry member'' means an Exchange Listing and Hearing Review Council member, Exchange Review Council member, or member of any other committee appointed by the Board who is (i) a Public member; (ii) an officer or employee of an issuer of securities listed on the Exchange; or (iii) any other individual who would not be an Industry member. *See* Exchange By-Law, Article I(cc).

[9] ''Industry member'' means an Exchange Listing and Hearing Review Council member, Exchange Review Council member, or member of any other committee appointed by the Board who (i) is or has served in the prior three years as an officer, director, or employee of a broker or dealer, excluding an outside director or a director not engaged in the day-to-day management of a broker or dealer; (ii) is an officer, director (excluding an outside director), or employee of an entity that owns more than ten percent of the equity of a broker or dealer, and the broker or dealer accounts for more than five percent of the gross revenues received by the consolidated entity; (iii) owns more than five percent of the equity securities of any broker or dealer, whose investments in brokers or dealers exceed ten percent of his or her net worth, or whose ownership interest otherwise permits him or her to be engaged in the day-to-day management of a broker or dealer; (iv) provides professional services to brokers or dealers, and such services constitute twenty percent or more of the professional revenues received by the person or twenty percent or more of the gross revenues received by the person's firm or partnership; (v) provides professional services to a director, officer, or employee of a broker, dealer, or corporation that owns fifty percent or more of the voting stock of a broker or dealer, and such services relate to the director's, officer's, or employee's professional capacity and constitute twenty percent or more of the professional revenues received by the person or twenty percent or more of the gross revenues received by the person's firm or partnership; or (vi) has a consulting or employment relationship with or provides professional services to the Corporation or any affiliate thereof or to FINRA or has had any such relationship or provided any such services at any time within the prior three years. *See* Exchange By-Law, Article I(u).

[10] ''Member Representative member'' means an Exchange Listing and Hearing Review Council member, Exchange Review Council member, or member of any other committee appointed by the Board who has been elected or appointed after having been nominated by the Member Nominating Committee pursuant to these By-Laws. *See* Exchange By-Law, Article I(y).

[11] *See* Rule 11890(c)(3). Unlike disciplinary proceedings under the Rule 9000 Series, speedy resolution of matters under the MORC's jurisdiction is important to ensuring fair and equitable treatment of market makers, and, with regard to clearly erroneous determinations, benefits market participants and helps ensure the accuracy of transactional information disseminated to investors.

[12] Rule 11890(c)(2) expressly requires a panel to consist of three or more members of the MORC, provided that no more than 50 percent of the members of any panel are directly engaged in market making activity or employed by a member firm whose revenues from market making activity exceed ten percent of its total revenues. The rule also states that in no case shall a MORC Panel include a person affiliated with a party to the trade in question.

Committee. The MORC has an identical requirement, but the Regulation Committee does not. The Review Council is also required to have at least three Public Members, which helps ensure that there is representation on the Review Council by individuals with no material relationship with a broker or dealer, the Exchange, its affiliates, or FINRA, whereas neither the MORC nor Regulation Committee has such a representation requirement. Similarly, the Review Council is required to have a number of Non-Industry Members that is greater than or equal to the total number of Industry and Member Nominating Committee Members, which is another means of ensuring independent members of the Review Council. The Regulation Committee has a similar requirement that Non-Industry Members must be greater than or equal to at least 50 percent of the total number of members, however, the MORC has no such requirement.

Under the Exchange's By-Laws, the MORC has a unique composition requirement that limits its membership to no more than 50 percent of members that are [sic] be engaged in market making activity or employed by a BX member firm whose revenues from market making exceed 10 percent of its total revenues. This requirement ensures that the composition of the MORC is never overrepresented by market making members. The Exchange is proposing to adopt this requirement for the new Review Council under the By-Laws.

The By-Laws limit the members of the Review Council to a maximum of two consecutive three-year terms. The By-Laws further require that membership of the Review Council is divided into three classes of members, whose terms expire in different years, thus ensuring that the Review Council is not completely reconstituted in any given year. Neither the MORC nor the Regulation Committee has such requirements. Last, although the By-Laws are silent on what constitutes a quorum for the conduct of business of the MORC, the committee has adopted a three member quorum requirement. Accordingly, BX is proposing to adopt a three Review Council member quorum requirement, solely applicable to the conduct of business formerly within the scope of the MORC.

In terms of the functions of the MORC, the Review Council will now be responsible for determinations pursuant to Exchange Rules 4612, 4619, 4620, 11890, and Exchange Options Rules Chapter V Section 6.[13] As noted above, the current Review Council is an adjudicatory body charged with the review of disciplinary, statutory disqualification and membership proceedings. In this regard, members of the Review Council are called upon to preside over matters, apply Exchange rules and render decisions that represent disposition of the matter for the parties. As such, it is well-positioned to take on the additional adjudicatory responsibilities of the MORC, which likewise requires its members to preside over matters, apply Exchange rules and render decisions. Moreover, the Exchange believes that given the diverse composition of the Review Council, which includes both Member Representative Members, and Industry and Non-Industry members, it has an adequately broad representation of Exchange constituents and independent members that are well suited to make determinations concerning the rules within the current jurisdiction of the MORC. In this regard, the Exchange notes that the Review Council is currently constituted with members who are compliance officers at member firms, associated persons of member firms, academics, and attorneys. The MORC is constituted with a similar mix of members.[14]

In terms of the policy role of the Regulation Committee, under the proposed changes the Board will continue to be able to solicit advice and guidance on regulatory proposals and industry initiatives relating to quotations, execution, trade reporting, and trading practices from the Review Council, when the Board determines to do so, much as it can under the current By-Law provisions on policies concerning member sales practices, enforcement policies, fines and sanctions.

The Exchange notes that it is only transferring the advisory role of the Regulation Committee to the Review Council. The Exchange is not proposing to draw upon the Review Council as a source of attorney panelists for hearing panels or the training thereof on issues relating to quotations, executions, trade reporting, and trading practices. Rather, the Exchange is proposing to draw upon members of FINRA's pool of Hearing Panelists provided by their Market Regulation Committee and from other sources the Board deems appropriate given the responsibilities of Hearing Panelists. Accordingly, the Exchange proposes to delete the definition of Market Regulation Committee under Rule 9120(u) and hold the rule in reserve.

Changes to Rule 9231(b)

The Exchange is proposing minor technical changes to Rule 9231(b), which concerns the composition of Hearing Panels. BX is eliminating an erroneous reference to a paragraph (2) under Rule 9231(b)(1), which was included when the Exchange adopted the rule.[15]

BX is also replacing references to the Regulation Committee in Rule 9231(b)(1)(D) with references to FINRA Panelists, including members of FINRA's Member Regulation Committee. BX may currently draw upon a person who: Previously served on the Exchange Review Council; previously served on a disciplinary subcommittee of the Exchange Review Council, including a Subcommittee, an Extended Proceeding Committee, or their predecessor subcommittees; previously served as a Director, or as a Governor of the Exchange prior to its acquisition by The NASDAQ OMX Group, Inc., but does not serve currently in that position; or currently serves on the Regulation Committee or who previously served on the Regulation Committee not earlier than four years before the date the complaint was served upon the Respondent who was the first served Respondent in the disciplinary proceeding for which the Hearing Panel or the Extended Hearing Panel is being appointed.[16] BX is also making clear that it may draw upon a FINRA Panelist approved by the Exchange Board, including a member of FINRA's Market Regulation Committee if the Panelist is approved by the Board at least annually. BX is also memorializing that a Panelist may be drawn from other sources the Board deems appropriate given the responsibilities of Panelists.

The Exchange notes that FINRA's rule concerning the selection criteria for its Panelists is substantially similar to that of the Exchange. Specifically, FINRA Rule 9231(b)(1) provides that a Panelist be a person who: Currently serves or previously served on a District Committee; previously served on the National Adjudicatory Council; previously served on a disciplinary

[13] Unlike decisions of the Review Council issued pursuant to proceedings concerning disciplinary, statutory disqualification and membership proceedings, decisions made by the new Review Council with regard to Exchange Rules 4612, 4619, 4620, 11890, and Exchange Options Rules Chapter V Section 6 are not eligible for Board review or appeal to the SEC, but rather will represent the final resolution of such matters.

[14] In fact, one individual serves on both the Review Council and MORC.

[15] *Supra* note 3.

[16] *See* Rule 9231(b).

subcommittee of the National Adjudicatory Council or the National Business Conduct Committee, including a Subcommittee, an Extended Proceeding Committee, or their predecessor subcommittees; or, previously served as a Director or a Governor, but does not serve currently in any of these positions. BX believes that drawing from FINRA's pool of Panelists will provide the Exchange with individuals that have adequate experience and expertise to be BX Panelists, and will provide a larger pool from which to draw Panelists. BX notes that, by requiring the Board to approve a FINRA Panelist as a precondition to participating in a BX matter, BX is ensuring that the Panelists that review BX matters are adequately qualified to adjudicate such matters.

Other Technical Changes

Lastly, BX is making two minor technical corrections to its rules. BX is deleting an extraneous ''and'' from the definition of ''Hearing Officer'' under Rule 9120(r). BX is also adding the word ''to'' to Rule 11890(c)(1), which was erroneously omitted.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [17] in general, and furthers the objectives of Section 6(b)(5) of the Act [18] 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, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers. The Exchange also believes that the proposed rule is consistent with Section 6(b)(6) of the Act,[19] which requires the rules of an exchange provide that its members be appropriately disciplined for violations of the Act as well as the rules and regulations thereunder, or the rules of the Exchange, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction.

The Exchange believes that the proposed changes are consistent with these requirements because they bring efficiency to the committee process, by vesting a single Board committee with responsibilities currently spread across multiple committees, while ensuring that such responsibilities are performed to a high regulatory standard. In this regard, the new Review Council is, by every measure, a more diverse body than the committees that it replaces. The broad membership of the new Review Council will ensure that decisions made with respect to the MORC's former responsibilities are made fairly. In this regard, the Exchange notes that the Review Council will adopt the MORC requirement that not more than 50 percent of the committee's members be engaged in market making activity or employed by a BX member firm whose revenues from market making exceed 10 percent of its total revenues.

As discussed above, the By-Laws limit Review Council members to a maximum of two consecutive three-year terms, unlike the MORC and Regulation Committee. This requirement ensures that there is a consistent influx of new members to the Review Council. The By-Laws further require that membership of the Review Council is divided into three classes of members, whose terms expire in different years, thus ensuring that the Review Council is not completely reconstituted in any given year. The Exchange notes that the expansion of the Review Council's responsibilities is an extension of the functions that it already performs. As discussed above, the Review Council is currently an adjudicatory body under BX's rules, as well as an advisory committee to the Board. Accordingly, the Exchange believes that the proposed changes will serve to protect the public interest and promote appropriate discipline of members for violations of securities laws and rules of the Exchange.

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. Specifically, the Exchange believes that this change will bring efficiency and consistency in application of the investigative and adjudicatory processes by consolidating Board committee functions. Consequently, the changes will not impact competition among brokers or dealers, nor will they impact competition among the Exchange and its peers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing 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, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [20] and subparagraph (f)(6) of Rule 19b–4 thereunder.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2014–024 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–2014–024. This file number should be included on the subject line if email is used.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] 15 U.S.C. 78f(b)(6).

[20] 15 U.S.C. 78s(b)(3)(a)(ii).

[21] 17 CFR 240.19b–4(f)(6).

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices 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–2014–024, and should be submitted on or before June 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11294 Filed 5–15–14; 8:45 am]

BILLING CODE 8011–01–P

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72125; File No. SR–OCC–2013–804]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Withdrawal of an Advance Notice in Connection With a Proposed Change to its Operations in the Form of a Private Offering by OCC of Senior Unsecured Debt Securities

May 8, 2014.

On June 10, 2013, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 806(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'')[1] and Rule 19b–4(n)(1)(i),[2] an advance notice relating to a proposal to permit OCC to issue senior unsecured debt securities in a private placement offering. Notice of the advance notice was published in the **Federal Register** on July 15, 2013.[3] The Commission did not receive any comments in response to the advance notice.

On January 15, 2014, OCC notified the Commission of its withdrawal of the advance notice (SR–OCC–2013–804) from consideration by the Commission.[4] The Commission is hereby publishing notice of the withdrawal.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11342 Filed 5–15–14; 8:45 am]

BILLING CODE 8011–01–P

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] *See* Securities Exchange Act Release No. 69955 (July 10, 2013), 78 FR 42125 (July 15, 2013), (SR–OCC–2014–804).

[4] *See* Letter from Stephen M. Szarmack, Vice President and Associate General Counsel, The Options Clearing Corporation, to Office of the Secretary, Commission (January 15, 2014).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72150; File No. SR–NASDAQ–2014–049]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify NASDAQ Rule 7018 Fees and Establish Fee Tiers for the Execution of Market-on-Close and Limit-on-Close Orders Executed in the NASDAQ Closing Cross and Eliminate the High Volume Market Participant Identifier Program

May 12, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 30, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

NASDAQ is proposing to modify NASDAQ Rule 7018 fees assessed for execution and routing [sic] securities listed on the New York Stock Exchange (''NYSE'') and on exchanges other than NASDAQ and NYSE, as well as establishing fee tiers for the execution of Market-on-Close and Limit-on-Close orders executed in the NASDAQ Closing Cross and eliminating the high volume Market Participant Identifier program.

While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on May 1, 2014.

The text of the proposed rule change is available at *nasdaq.cchwallstreet.com* at NASDAQ's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of, and basis for, the proposed rule change 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

NASDAQ is proposing to amend NASDAQ Rule 7018 to modify NASDAQ Rule 7018 [sic] fees assessed for execution and routing [sic] securities listed on NYSE (''Tape A'') and on exchanges other than NASDAQ and the NYSE (''Tape B''), as well as establishing fee tiers for the execution of Market-on-Close and Limit-on-Close (''MOC/LOC'') orders executed in the NASDAQ Closing Cross.

Specifically, NASDAQ is proposing to offer reduced access fees for firms that execute against resting midpoint liquidity for both Tape A and Tape B securities. The standard access fees are currently $0.0030 per executed share, but the Exchange proposes to reduce this fee for Tape A and Tape B securities to $0.0027 per executed share. The Exchange believes that the proposed discounted executions for taking

midpoint liquidity will encourage firms that are interested in accessing more of the NASDAQ's price improving liquidity access [sic] more resting midpoint liquidity before routing to other destinations.

Additionally, the Exchange is proposing to establish new fee tiers for the execution of MOC/LOC orders executed in the NASDAQ Closing Cross. The new tiers are designed to reasonably raise revenue, benefit market participants that provide liquidity during market hours and the opportunity to lower the proposed price changes by executing more volume via the NASDAQ Closing Cross. The Exchange proposes to begin offering tiers for the execution of MOC/LOC orders as follows:

- *Tier A:* Shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent above 1.40% of Consolidated Volume or MOC/LOC volume above 0.50% of Consolidated Volume: $0.00065 per executed share
- *Tier B:* Shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent above 0.80% to 1.40% of Consolidated Volume or MOC/LOC volume above 0.30% to 0.50% of Consolidated Volume: $0.0011 per executed share
- *Tier C:* Shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent above 0.50% to 0.80% of Consolidated Volume or MOC/LOC volume above 0.10% to 0.30% of Consolidated Volume: $0.0012 per executed share
- *Tier D:* Shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent above 0.30% to 0.50% of Consolidated Volume: $0.0013 per executed share
- *Tier E:* Shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent above 0.015% to 0.30% of Consolidated Volume: $0.00135 per executed share
- *Tier F:* Shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent 0.00% to 0.015% of Consolidated Volume: $0.0014 per executed share
- *Tier G:* Member adds Nasdaq Options Market Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 0.80% or more of national customer volume in multiply-listed equity and ETF options classes in a month: $0.0010 per executed share.

The new fee tiers for participation in the closing auctions essentially replace the high volume Market Participant Identifier (''High Volume MPID'') program that allowed a member that trades through a qualified High Volume MPID to pay a discounted fee per share executed with respect to executions of MOC/LOC orders when the same High Volume MPID is on both sides of the trade. Since this incentive program has been in place, the Exchange has observed that the High Volume MPID program is not widely-used and so it now proposes the new fee tiers discussed above. The proposed new fee tiers will result in higher fees for most firms, however, the Exchange is offering liquidity adding incentives and MOC/LOC incentives to materially reduce the proposed fees to be assessed for MOC/LOC executions in the NASDAQ Closing Cross. Finally, if a member qualifies for two tiers, the lower tier rate will apply.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[3] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[4] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. This proposal is reasonable, equitable and not unfairly discriminatory for the reasons noted below.

The proposed changes are reflective of NASDAQ's ongoing efforts to use reduced access fees and better targeted discount [sic] to attract orders that NASDAQ believes will improve market quality. Generally, NASDAQ seeks to provide customers with discounts that they deem helpful, and to eliminate those that they do not. By offering reduced access fees for firms that execute against resting midpoint liquidity and by replacing the High Volume MPID program with the new fee tiers for participation in the closing auction, NASDAQ believes it will be able to further promote these goals by providing better targeted incentives for market participants.

Specifically, the proposed changes are consistent with statutory requirements. The proposal to reduce access fees for firms that execute against resting midpoint liquidity from the standard access fee of $0.0030 per executed share to $0.0027 per executed share for Tape A and Tape B securities is consistent with a fair allocation of reasonable fees and not unfairly discriminatory because it is a price cut that applies uniformly to all NASDAQ members. NASDAQ believes that the fee reduction will incentivize firms to execute against midpoint liquidity and this, in turn, will lead to an increase in price improvement liquidity and price improvement generally benefits the investing public.

The impact of the change in adding new tiers for participation in the NASDAQ Closing Cross will be a price increase for many market participants, but those that provide greater liquidity during market hours or increase their usage of the NASDAQ Closing Cross will receive a greater discount. Generally speaking, the base rate will increase from $0.0010 to $0.0014 per executed share as discussed more fully below, but the Exchange is providing various incentives to all market participants to lower the fees to be assessed for MOC/LOC executions.

The Exchange's proposal to establish Tier A in which shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent above 1.40% of Consolidated Volume or MOC/LOC volume above 0.50% of Consolidated Volume will be executed at $0.00065 per share is equitable and not unfairly discriminatory because all market participants have the opportunity to achieve this tier if they choose to increase added [sic] liquidity or MOC/LOC volume. The fee is reasonable because it represents a price reduction when compared to the current rate of $0.0010 per executed share and is approximately the average rate paid by those market participants that chose to avail themselves of the High Volume MPID discount.

The Exchange's proposal to establish Tier B in which shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent above 0.80% to 1.40% of Consolidated Volume or MOC/LOC volume above 0.30% to 0.50% of Consolidated Volume will be executed at $0.0011 per share is equitable and not unfairly discriminatory. While this is a price increase, the Exchange is still providing opportunities for all market participants to reduce the per share rate by adding additional liquidity or executing a greater number of MOC/LOC shares.

The Exchange's proposal to establish Tier C in which shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs

[3] 15 U.S.C. 78f.

[4] 15 U.S.C. 78f(b)(4) and (5).

that represent above 0.50% to 0.80% of Consolidated Volume or MOC/LOC volume above 0.10% to 0.30% of Consolidated Volume will be executed at $0.0012 per share is equitable and not unfairly discriminatory because this tier provides additional opportunities for members to reduce the fees to be paid for MOC/LOC executions.

The Exchange's proposal to establish Tier D in which shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent above 0.30% to 0.50% of Consolidated Volume will be executed at $0.0013 per share is equitable and not unfairly discriminatory because this tier provides additional opportunities for members to reduce the fees to be paid for MOC/LOC executions.

The Exchange's proposal to establish Tier E in which shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent above 0.015% to 0.30% of Consolidated Volume will be executed at $0.00135 per share is equitable and not unfairly discriminatory because this tier provides additional opportunities for members to reduce the fees to be paid for MOC/LOC executions.

The Exchange's proposal to establish Tier F in which shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent 0.00% to 0.015% of Consolidated Volume will be executed at $0.0014 per share is equitable and not unfairly discriminatory because the Exchange believes this represents the base rate for utilizing the NASDAQ Closing Cross. The Exchange spends significant testing and regulatory resources, among other resources, to ensure that the NASDAQ Closing cross [sic] is the industry standard. The Exchange believes that this proposed rate properly reflects that ongoing investment. Further, the Exchange is offering a variety of incentives that are discussed above and below for market participants to reduce their costs [sic] adding additional liquidity or increasing volume in the NASDAQ Closing Cross.

The Exchange's proposal to establish Tier G in which a member adds Nasdaq Options Market Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 0.80% or more of national customer volume in multiply-listed equity and ETF options classes in a month will be executed at $0.0010 per share is equitable and not unfairly discriminatory because this provides an additional means for members to reduce their fees assessed for executions in the NASDAQ Closing Cross. Like the other tiers offered, this tier enhances market participants' choices to earn price cuts. They can add more liquidity on the Exchange or its options platform or they can use the NASDAQ Closing Cross instead of potential off-exchange alternatives.

Volume-based discounts such as the fees associated with the new tiers for participation in the Closing Cross proposed here have been widely adopted in the cash equities markets, and are equitable because they are open to all members on an equal basis and provide discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery processes of the Closing Cross. NASDAQ further notes that it operates in a highly competitive market in which market participants can readily favor competing venues, or in this case, internalize orders rather than exposing them to the broader market, if they deem fee levels at a particular venue to be excessive. NASDAQ believes that the new fee tiers will help ensure that its Closing Cross continues to attract high levels of participation.

Additionally, the elimination of High Volume MPID program is consistent with a fair allocation of reasonable fees and not unfairly discriminatory since the removal of the rule language pertaining to the incentives impacts all firms equally.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[5] NASDAQ 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, or rebate opportunities available at other venues to be more favorable. In such an environment, NASDAQ 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, NASDAQ believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In this instance, discounted executions for taking midpoint liquidity, as well as the replacement of the High Volume MPID program with the establishment of new fee tiers for the execution of MOC/LOC orders executed in the NASDAQ Closing Cross reflect this.

Accordingly, NASDAQ 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

Written comments were neither solicited nor 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)[7] of Rule 19b–4, 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–NASDAQ–2014–049 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–049. This file number should be included on the subject line if email is used.

[5] 15 U.S.C. 78f(b)(8).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–NASDAQ–2014–049, and should be submitted on or before June 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11293 Filed 5–15–14; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72151; File No. SR–NASDAQ–2014–048]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Consolidate Certain Committee Functions Into the NASDAQ Review Council

May 12, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 30, 2014 The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

NASDAQ proposes a rule change to consolidate responsibilities of certain committees of the Board of Directors and to make related changes to the Exchange By-Laws and Rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of, and basis for, the proposed rule change 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 expand the regulatory responsibilities of the NASDAQ Review Council (the ''Review Council''), a committee of the Exchange Board of Directors (the ''Board'') not composed solely of Directors, to include responsibilities of other Board committees not composed solely of Directors and consequently sunset those committees. The Exchange's committee structure and related Exchange By-Laws are largely based on those of NASD (now known as FINRA) and were adopted pursuant to the Exchange's approval as a national securities exchange.[3] The Exchange is proposing to make its committee structure more efficient and effective by vesting the Review Council, which is a committee of the Board with both adjudicatory and policy responsibilities, with the adjudicatory responsibilities of the Market Operations Review Committee (''MORC'') and with the advisory role of the Market Regulation Committee.

[3] Securities Exchange Act Release No. 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006).

Review Council

The Review Council is a Board committee charged with considering and making recommendations to the Board on policy and rule changes relating to business and sales practices of members and associated persons and enforcement policies, including policies with respect to fines and other sanctions. The Review Council is also an adjudicatory body, responsible for the review of appeals of disciplinary proceedings, statutory disqualification proceedings, or membership proceedings.[4] In addition, the Review Council may review offers of settlement, letters of acceptance, waiver and consent, and minor rule violation plan letters, exercises of exemptive authority, and such proceedings or actions as may be authorized by the Exchange's rules. The Review Council is comprised of no fewer than eight and no more than twelve members, whereby at least twenty percent of the members must be nominated by the Board's Member Nominating Committee.[5] Moreover, the Review Council must have at least three Public members,[6] as defined in the By-Laws, and the number of Non-Industry members[7] shall equal or exceed the sum

[4] Decisions issued by the Review Council may be reviewed by the Board. *See, e.g.,* Rule 9351. If the Board does not call the proceeding for review, the proposed written decision of the Review Council shall constitute the final disciplinary action of NASDAQ for purposes of Exchange Act Rule 19d–1(c)(1), unless the Review Council remands the proceeding. *See, e.g.,* Rule 9349(c).

[5] Pursuant to the By-Laws, the Board's Member Nominating Committee is responsible for the nomination of candidates for each Member Representative Director position on the Board that is to be elected by Nasdaq Members or the Company Member under the terms of the LLC Agreement and the By-Laws, and shall nominate candidates for appointment by the Board for each vacant or new position on the Nasdaq Listing and Hearing Review Council, the Nasdaq Review Council, or other committee that is to be filled with a Member Representative member under the terms of the By-Laws. *See* Exchange By-Law, Article III (6)(b). Further provided by the By-Laws, the Member Nominating Committee shall consist of no fewer than three and no more than six members, and all members of the Member Nominating Committee shall be a current associated person of a current Nasdaq Member. *See* Exchange By-Law, Article III (6)(b)(iii).

[6] ''Public member'' means a Nasdaq Listing and Hearing Review Council member, Nasdaq Review Council member, or member of any other committee appointed by the Board who has no material business relationship with a broker or dealer, the Company or its affiliates, or FINRA. *See* Exchange By-Law, Article I (z).

[7] ''Non-Industry member'' means a Nasdaq Listing and Hearing Review Council member, Nasdaq Review Council member, or member of any other committee appointed by the Board who is (i) a Public member; (ii) an officer or employee of an issuer of securities listed on the national securities exchange operated by the Company; or (iii) any other individual who would not be an Industry member. *See* Exchange By-Law, Article I (w).

of the number of Industry members [8] and Member Representative members.[9] The By-Laws provide that a quorum for the transaction of business consists of a majority of the Review Council, including not less than 50 percent of the Non-Industry members of the Review Council and at least one Member Representative member.

Market Operations Review Committee

The MORC is responsible for considering Exchange member appeals of determinations made pursuant to Exchange Rules 4612, 4619, 4620, 11890, and Exchange Options Rules Chapter V Section 6. Decisions of the MORC in these matters are not appealable, however, determinations of the MORC with respect to Rule 11890 may be arbitrated.[10] The By-Laws require that the MORC be comprised of a number of Member Representative members that is equal to at least 20 percent of the total number of members of the MORC. Moreover, the By-Laws require that no more than 50 percent of the members of the MORC be engaged in market making activity or employed by a NASDAQ member firm whose revenues from market making exceed 10 percent of its total revenues. The By-Laws do not provide a description of what is a quorum for purposes of holding a meeting of the MORC, however, the committee has adopted a three member quorum requirement.[11]

Market Regulation Committee

The Market Regulation Committee (the ''Regulation Committee'') is a committee of the Board, which is responsible for providing advice and guidance to the Board on regulatory proposals and industry initiatives relating to quotations, execution, trade reporting, and trading practices; advising the Board in its administration of programs and systems for the surveillance and enforcement of rules governing Exchange Members' conduct and trading activities in the Exchange; providing a pool of attorney panelists for hearing panels under the Exchange rules; participating in the training of hearing panelists on issues relating to quotations, executions, trade reporting, and trading practices; and reviewing and recommending to the Review Council changes to the Exchange's guidelines for sanctions to be imposed on members for violations of Exchange rules. The Regulation Committee must have at least 50 percent Non-Industry committee members and must include a broad representation of participants in the Exchange, including investors, market makers, integrated retail firms and order entry firms. The By-Laws provide that a quorum for the transaction of business consists of a majority of the Regulation Committee, including not less than 50 percent of the Non-Industry committee members. The requirement that not less than 50 percent of Non-Industry members be present will be waived if at least 50 percent of the Non-Industry members are present at or have filed a waiver of attendance for a meeting after receiving an agenda prior to such meeting.

The New Review Council

The Exchange is proposing to expand the responsibilities of the Review Council by merging the adjudicatory role of the MORC and the advisory role of the Regulation Committee, both as described above, into the Review Council. The Exchange is proposing to amend the By-Laws and Exchange Rules by eliminating references to the Regulation Committee and MORC, and adding the description of these roles to the Review Council's responsibilities under the By-Laws and Exchange Rules. The Exchange is also proposing to define a new type of Panelist under the rules, which will replace the Regulation Committee Panelist. The new ''Special Panelist'' will take on the role provided currently by Regulation Committee Panelists, which is discussed in more detail below. All of these changes taken together will ensure each function of the MORC and Regulation Committee will continue, unaltered.

The current composition requirements of the Review Council are as prescriptive, if not more so, than the composition requirements of the MORC and Regulation Committee. As noted above, the Review Council must have between eight and twelve members, whereas the MORC and Regulation Committee have no such minimum and maximum composition requirements. In practice, both the MORC and Regulation Committee have fewer members than eight members each. In addition, the Review Council must have at least twenty percent of its members nominated by the Member Nominating Committee. The MORC has an identical requirement, but the Regulation Committee does not. The Review Council is also required to have at least three Public Members, which helps ensure that there is representation on the Review Council by individuals with no material relationship with a broker or dealer, the Exchange, its affiliates, or FINRA, whereas neither the MORC nor the Regulation Committee has such a representation requirement. Similarly, the Review Council is required to have a number of Non-Industry Members that is greater than or equal to the total number of Industry and Member Nominating Committee Members, which is another means of ensuring independent members of the Review Council. The Regulation Committee has a similar requirement that Non-Industry Members must be greater than or equal to at least 50 percent of the total number of members, however, the MORC has no such requirement.

Under the Exchange's By-Laws, the MORC has a unique composition

[8] ''Industry member'' means a Nasdaq Listing and Hearing Review Council member, Nasdaq Review Council member, or member of any other committee appointed by the Board who (i) is or has served in the prior three years as an officer, director, or employee of a broker or dealer, excluding an outside director or a director not engaged in the day-to-day management of a broker or dealer; (ii) is an officer, director (excluding an outside director), or employee of an entity that owns more than ten percent of the equity of a broker or dealer, and the broker or dealer accounts for more than five percent of the gross revenues received by the consolidated entity; (iii) owns more than five percent of the equity securities of any broker or dealer, whose investments in brokers or dealers exceed ten percent of his or her net worth, or whose ownership interest otherwise permits him or her to be engaged in the day-to-day management of a broker or dealer; (iv) provides professional services to brokers or dealers, and such services constitute 20 percent or more of the professional revenues received by the committee member or 20 percent or more of the gross revenues received by the committee member's firm or partnership; (v) provides professional services to a director, officer, or employee of a broker, dealer, or corporation that owns 50 percent or more of the voting stock of a broker or dealer, and such services relate to the director's, officer's, or employee's professional capacity and constitute 20 percent or more of the professional revenues received by the committee member or 20 percent or more of the gross revenues received by the committee member's firm or partnership; or (vi) has a consulting or employment relationship with or provides professional services to the Company or any affiliate thereof or to FINRA (or any predecessor) or has had any such relationship or provided any such services at any time within the prior three years. *See* Exchange By-Law, Article I (m).

[9] ''Member Representative member'' means a Nasdaq Listing and Hearing Review Council member, Nasdaq Review Council member, or member of any other committee appointed by the Board who has been elected or appointed after having been nominated by the Member Nominating Committee pursuant to these By-Laws. *See* Exchange By-Law, Article I (r).

[10] *See* Rule 11890(c)(3). Unlike disciplinary proceedings under the Rule 9000 Series, speedy resolution of matters under the MORC's jurisdiction is important to ensuring fair and equitable treatment of market makers, and, with regard to clearly erroneous determinations, benefits market participants and helps ensure the accuracy of transactional information disseminated to investors.

[11] Rule 11890(c)(2) expressly requires a panel to consist of three or more members of the MORC, provided that no more than 50 percent of the members of any panel are directly engaged in market making activity or employed by a member firm whose revenues from market making activity exceed ten percent of its total revenues. The rule also states that in no case shall a MORC Panel include a person affiliated with a party to the trade in question.

requirement that limits its membership to no more than 50 percent of members that are engaged in market making activity or employed by a NASDAQ member firm whose revenues from market making exceed 10 percent of its total revenues. This requirement ensures that the composition of the MORC is never overrepresented by market making members. The Exchange is proposing to adopt this requirement for the new Review Council under the By-Laws.

The By-Laws limit the members of the Review Council to a maximum of two consecutive three-year terms. The By-Laws further require that membership of the Review Council is divided into three classes of members, whose terms expire in different years, thus ensuring that the Review Council is not completely reconstituted in any given year. Neither the MORC nor the Regulation Committee has such requirements. Last, although the By-Laws are silent on what constitutes a quorum for the conduct of business of the MORC, the committee has adopted a three member quorum requirement. Accordingly, NASDAQ is proposing to adopt a three Review Council member quorum requirement, solely applicable to the conduct of business formerly within the scope of the MORC.

In terms of the functions of the MORC, the Review Council will now be responsible for determinations pursuant to Exchange Rules 4612, 4619, 4620, 11890, and Exchange Options Rules Chapter V Section 6.[12] As noted above, the current Review Council is an adjudicatory body charged with the review of disciplinary, statutory disqualification and membership proceedings. In this regard, members of the Review Council are called upon to preside over matters, apply Exchange rules and render decisions that represent disposition of the matter for the parties. As such, it is well-positioned to take on the additional adjudicatory responsibilities of the MORC, which likewise requires its members to preside over matters, apply Exchange rules and render decisions. Moreover, the Exchange believes that given the diverse composition of the Review Council, which includes both Member Representative Members, and Industry and Non-Industry members, it has an adequately broad representation of Exchange constituents and independent members that are well suited to make determinations concerning the rules within the current jurisdiction of the MORC. In this regard, the Exchange notes that the Review Council is currently constituted with members who are compliance officers at member firms, associated persons of member firms, academics, and attorneys. The MORC is constituted with a similar mix of members.[13]

In terms of the policy role of the Regulation Committee, under the proposed changes, the Board will continue to be able to solicit advice and guidance on regulatory proposals and industry initiatives relating to quotations, execution, trade reporting, and trading practices from the Review Council, when the Board determines to do so, much as it can under the current By-Law provisions on policies concerning member sales practices, enforcement policies, fines and sanctions.

The Exchange notes that it is only transferring the advisory role of the Market Regulation Committee to the Review Council. The Exchange is not proposing to draw upon the Review Council as a source of attorney panelists for hearing panels or the training thereof on issues relating to quotations, executions, trade reporting, and trading practices. Rather, the Exchange is proposing to delete the definition of Market Regulation Committee under Rule 9120(u) and adopt a new definition of a ''Special Panelist'' thereunder. A Special Panelist will take the role of the Market Regulation Committee panelists in NASDAQ's rules and will be drawn from FINRA's pool of Hearing Panelists provided by their Market Regulation Committee and from other sources the Board deems appropriate given the responsibilities of such Hearing Panelists. All Special Panelists must be approved by the Board, at least annually.

Changes to Rule 9231(b)

The Exchange is proposing minor technical changes to Rule 9231(b), which concerns the composition of Hearing Panels. NASDAQ is eliminating references to NASD and replacing them with the correct acronym for the Financial Industry Regulatory Authority, FINRA. When NASDAQ originally adopted the rule, FINRA was still the NASD and NASDAQ did not amend Rule 9231(b) to reflect the name change. NASDAQ is replacing references to the Market Regulation Committee in Rule 9231(b)(2) with references to Special Panelists, as described above.

NASDAQ is also adding an additional category of person eligible to be a Panelist on a Hearing Panel. NASDAQ may currently draw upon a person who: Previously served on the Review Council; previously served on a disciplinary subcommittee of the Review Council, including a Subcommittee, an Extended Proceeding Committee, or their predecessor subcommittees; previously served as a Director, but does not serve currently in that position; or served on the FINRA National Adjudicatory Council or on a disciplinary subcommittee of the FINRA National Adjudicatory Council prior to the date that NASDAQ commenced operating as a national securities exchange.[14] NASDAQ is proposing to include a FINRA Panelist as a person authorized to be a Panelist in a NASDAQ proceeding, if the Panelist is approved by the Board at least annually.

The Exchange notes that FINRA's rule concerning the selection criteria for its Panelists is substantially similar to that of the Exchange. Specifically, FINRA Rule 9231(b)(1) provides that a Panelist be a person who: Currently serves or previously served on a District Committee; previously served on the National Adjudicatory Council; previously served on a disciplinary subcommittee of the National Adjudicatory Council or the National Business Conduct Committee, including a Subcommittee, an Extended Proceeding Committee, or their predecessor subcommittees; or, previously served as a Director or a Governor, but does not serve currently in any of these positions. NASDAQ believes that drawing from FINRA's pool of Panelists will provide the Exchange with individuals that have adequate experience and expertise to be NASDAQ Panelists, and will provide a larger pool from which to draw Panelists. NASDAQ notes that, by requiring the Board to approve a FINRA Panelist as a precondition to that Panelist participating in a NASDAQ matter, NASDAQ is ensuring that the Panelists that review NASDAQ matters are adequately qualified to adjudicate such matters.

Other Technical Changes

Lastly, NASDAQ is making two minor technical corrections to its rules. NASDAQ is deleting an extraneous ''and'' from the definition of ''Hearing Officer'' under Rule 9120(r). NASDAQ

[12] Unlike decisions of the Review Council issued pursuant to proceedings concerning disciplinary, statutory disqualification and membership proceedings, decisions made by the new Review Council with regard to Exchange Rules 4612, 4619, 4620, 11890, and Exchange Options Rules Chapter V Section 6 are not eligible for Board review or appeal to the SEC, but rather will represent the final resolution of such matters.

[13] In fact, one individual serves on both the Review Council and MORC.

[14] *See* Rule 9231(b).

is also adding the word ''to'' to Rule 11890(c)(1), which was erroneously omitted.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [15] in general, and furthers the objectives of Section 6(b)(5) of the Act [16] 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, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers. The Exchange also believes that the proposed rule is consistent with Section 6(b)(6) of the Act,[17] which requires the rules of an exchange provide that its members be appropriately disciplined for violations of the Act as well as the rules and regulations thereunder, or the rules of the Exchange, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction.

The Exchange believes that the proposed changes are consistent with these requirements because they bring efficiency to the committee process, by vesting a single Board committee with responsibilities currently spread across multiple committees, while ensuring that such responsibilities are performed to a high regulatory standard. In this regard, the new Review Council is, by every measure, a more diverse body than the committees that it replaces. The broad membership of the new Review Council will ensure that decisions made with respect to the MORC's former responsibilities are made fairly. In this regard, the Exchange notes that the Review Council will adopt the MORC requirement that not more than 50 percent of the committee's members be engaged in market making activity or employed by a NASDAQ member firm whose revenues from market making exceed 10 percent of its total revenues.

As discussed above, the By-Laws limit Review Council members to a maximum of two consecutive three-year terms, unlike the MORC and Regulation Committee. This requirement ensures that there is a consistent influx of new members to the Review Council. The By-Laws further require that membership of the Review Council is divided into three classes of members, whose terms expire in different years, thus ensuring that the Review Council is not completely reconstituted in any given year. The Exchange notes that the expansion of the Review Council's responsibilities is an extension of the functions that it already performs. As discussed above, the Review Council is currently an adjudicatory body under NASDAQ's rules, as well as an advisory committee to the Board. Accordingly, the Exchange believes that the proposed changes will serve to protect the public interest and promote appropriate discipline of members for violations of securities laws and rules of the Exchange.

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. Specifically, the Exchange believes that this change will bring efficiency and consistency in application of the investigative and adjudicatory processes by consolidating Board committee functions. Consequently, the changes will not impact competition among brokers or dealers, nor will they impact competition among the Exchange and its peers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing 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, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [18] and subparagraph (f)(6) of Rule 19b–4 thereunder.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–048 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–048. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–NASDAQ–2014–048, and

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] 15 U.S.C. 78f(b)(6).

[18] 15 U.S.C. 78s(b)(3)(a)(ii) [sic].

[19] 17 CFR 240.19b–4(f)(6).

should be submitted on or before June 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11292 Filed 5–15–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72153; File No. SR–NASDAQ–2014–045]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Fees for the NASDAQ Basic Data Product

May 12, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 30, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II 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

NASDAQ is proposing modify [sic] fees for the NASDAQ Basic data product. The proposal, which modifies monthly fees, is effective for the month of May 2014 and subsequent months. The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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

NASDAQ is proposing two modifications to the fees for NASDAQ Basic: (1) To cap the ''per query'' fee paid by a single user at the level of the monthly fee paid by monthly Professional and Non-Professional subscribers and (2) to clarify the application of the recently-filed Enterprise License fee where a single firm receives data from multiple External Distributors.

Background. NASDAQ Basic is a proprietary data product that provides best bid and offer information from the NASDAQ Market Center and last sale transaction reports from the NASDAQ Market Center and from the FINRA/NASDAQ Trade Reporting Facility (''FINRA/NASDAQ TRF''). As such, NASDAQ Basic provides a subset of the ''core'' quotation and last sale data provided by securities information processors (''SIPs'') under the CQ/CT Plan and the NASDAQ UTP Plan. Earlier this year, NASDAQ introduced a new enterprise license for Professional Subscribers to NASDAQ Basic.[3] In this proposed rule change, NASDAQ is proposing a minor refinement to the enterprise license.

NASDAQ Basic contains three separate components, which may be purchased individually or in combination: (i) NASDAQ Basic for NASDAQ, which contains the best bid and offer on the NASDAQ Market Center and last sale transaction reports for NASDAQ and the FINRA/NASDAQ TRF for NASDAQ-listed stocks, (ii) NASDAQ Basic for NYSE, which covers NYSE-listed stocks, and (iii) NASDAQ Basic for NYSE MKT, which covers stocks listed on NYSE MKT and other listing venues whose quotes and trade reports are disseminated on Tape B.

Per Query Fee Cap. The fee structure for NASDAQ Basic features a fee for Professional Subscribers and a reduced fee for Non-Professional Subscribers.[4] The current monthly fees for Non-Professional Subscribers are $0.50 per Subscriber for NASDAQ Basic for NASDAQ, $0.25 per Subscriber for NASDAQ Basic for NYSE, and $0.25 per Subscriber for NASDAQ Basic for NYSE MKT. The current monthly fees for Professional Subscribers are $13 per Subscriber for NASDAQ Basic for NASDAQ, $6.50 per Subscriber for NASDAQ Basic for NYSE, and $6.50 per Subscriber for NASDAQ Basic for NYSE MKT. For use cases that do not require a monthly subscription for unlimited usage, there is a Per Query option, with a fee of $0.0025 for NASDAQ Basic for NASDAQ, $0.0015 for NASDAQ Basic for NYSE, and $0.0015 for NASDAQ Basic for NYSE MKT.

Distributors[5] of NASDAQ Basic may also be assessed a monthly Distributor Fee. The fee is $1,500 per month for either internal or external distribution; however, a credit for Subscriber or Per Query fees may be applied against the Distributor Fee at the Distributor's request.

NASDAQ is proposing to cap the ''per query'' fee paid by a single user at the level of the monthly fee paid by monthly subscribers. The fee structure for NASDAQ Basic features a fee for Professional Subscribers and a reduced fee for Non-Professional Subscribers. The current monthly fees for Non-Professional Subscribers are $0.50 per Subscriber for NASDAQ Basic for NASDAQ, while the Per Query fee is $0.0025 for NASDAQ Basic for NASDAQ. Under NASDAQ's proposal, a Non-Professional user would pay the Per Query fee for the first 199 queries during the month. However, if the Subscriber made 200 or more queries during the month, the cap would take effect, such that the total aggregate monthly charge for all queries by the Subscriber would be $0.50. For NASDAQ Basic for NYSE and NYSE MKT, the corresponding breakpoint for

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 71507 (February 7, 2014), 79 FR 8763 (February 13, 2014) (SR–NASDAQ–2014–011).

[4] A ''Non-Professional Subscriber'' is ''a natural person who is not (i) registered or qualified in any capacity with the Commission, the Commodity Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in Section 201(11) of the Investment Advisers Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt.'' A ''Professional Subscriber'' is ''any Subscriber other than a Non-Professional Subscriber.''

[5] The term ''Distributor'' ''refers to any entity that receives NASDAQ Basic data directly from NASDAQ or indirectly through another entity and then distributes it to one or more Subscribers.'' Distributors may either be ''Internal Distributors'', which are ''Distributors that receive NASDAQ Basic data and then distribute that data to one or more Subscribers within the Distributor's own entity,'' or ''External Distributors'', which are ''Distributors that receive NASDAQ Basic data and then distribute that data to one or more Subscribers outside the Distributor's own entity.''

Non-Professionals would occur at 167th query.

With respect to Professional users, under NASDAQ's proposal, a Professional user of NASDAQ Basic for NASDAQ stocks would pay the Per Query fee for the first 5,199 queries, but the cap would thereafter take effect, such that the total aggregate monthly charge for all queries by the Subscriber would be $13. For NASDAQ Basic for NYSE and MKT stocks, the breakpoint for Professional Users would occur at 4,333 queries and the cap would thereafter take effect, such that the total aggregate monthly charge for all queries by the Subscriber would be $6.50.

Enterprise License Clarification. As an alternative to monthly Subscriber fees for Non-Professional Subscribers, NASDAQ also offers an enterprise license under which a broker-dealer may distribute NASDAQ Basic to an unlimited number of Non-Professional Subscribers with whom the broker-dealer has a brokerage relationship at a rate of $100,000 per month (as well as the applicable monthly Distributor fee). In addition, a Distributor of data derived from NASDAQ Basic (but not NASDAQ Basic itself) may pay a fee of $1,500 per month (plus the applicable monthly Distributor fee) to distribute the derived data to an unlimited number of Non-Professional Subscribers. This type of Distributor will typically distribute data to a large number of downstream customers through web-based applications.

Under new net reporting rules adopted earlier this year,[6] Distributors may reduce the overall number of internal Professional Subscribers deemed to be fee liable with respect to ''Display Usage'' of NASDAQ Basic:[7]

- A Subscriber that receives access to NASDAQ Basic through multiple products controlled by an Internal Distributor is considered one Subscriber. Thus, if a broker-dealer acts as a Distributor of NASDAQ Basic in multiple forms to its employees, each employee would be considered one Subscriber.
- A Subscriber that receives access to NASDAQ Basic through multiple products controlled by one External Distributor is considered one Subscriber. Thus, if a broker-dealer arranges for its employees to receive access to multiple NASDAQ Basic products provided by a single vendor, each employee would be considered one Subscriber.
- A Subscriber that receives access to NASDAQ Basic through one or more products controlled by an Internal Distributor and also one or more products controlled by one External Distributor is considered one Subscriber. Thus, if the broker-dealer provides employees with access through its own product(s) and through products from a single vendor, each employee is still considered one Subscriber.
- A Subscriber that receives access to NASDAQ Basic through one or more products controlled by an Internal Distributor and also products controlled by multiple External Distributors is treated as one Subscriber with respect to the products controlled by the Internal Distributor and one of the External Distributors, and is treated as an additional Subscriber for each additional External Distributor. Thus, a Subscriber receiving products through an Internal Distributor and two External Distributors is treated as two Subscribers.

At the same time, NASDAQ also adopted a new enterprise license for Professional Subscribers. Under the enterprise license, a broker-dealer may distribute NASDAQ Basic for NASDAQ, NASDAQ Basic for NYSE, and NASDAQ Basic for NYSE MKT for a flat fee of $365,000 per month; provided, however, that if the broker-dealer obtains the license with respect to usage of NASDAQ Basic provided by an External Distributor that controls display of the product, the fee will be $365,000 per month for up to 16,000 internal Professional Subscribers, plus $2 for each additional internal Professional Subscriber over 16,000.

NASDAQ is proposing to adopt clarifying language in the rule governing the enterprise license to make it clear that a license would cover only one External Distributor that controls display. Thus, if a broker-dealer used NASDAQ Basic provided by more than one such External Distributor, it would be required to obtain a separate enterprise license for each External Distributor. Alternatively, it could designate that the enterprise license covered one External Distributor and pay regular per-Subscriber fees with respect to other External Distributor(s). The change to rule language is necessary to ensure that the rule reflects NASDAQ's original intent with regard to the scope of the enterprise license. Specifically, the license is intended to provide broker-dealers with a cost-effective means of obtaining NASDAQ Basic for internal users, but is not intended to allow it to obtain the product through multiple External Distributors at the same fee it would pay for just one External Distributor.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act[8] in general, and with Sections 6(b)(4) and (5) of the Act[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among recipients of NASDAQ data and is not designed to permit unfair discrimination between them. In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers (''BDs'') 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. NASDAQ believes that its NASDAQ Basic market data product is precisely the sort of market data product that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

> [E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[10]

By removing unnecessary regulatory restrictions on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. If the free market should determine whether proprietary data is sold at all, it follows that the price at which such data is sold should be set by the market as well. NASDAQ Basic exemplifies the optional nature of proprietary data, since, depending on a customer's specific goals, it may opt to purchase core SIP data or only the subset provided through NASDAQ Basic. Moreover, as discussed in more detail below, the price that NASDAQ is

[6] *See supra* n. 3.

[7] ''Display Usage'' means ''any method of accessing NASDAQ Basic data that involves the display of such data on a screen or other visualization mechanism for access or use by a natural person or persons.'' Netting does not apply to uses other than Display Usage (*i.e.,* use by an automated device without visual access by natural persons).

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4), (5).

[10] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

able to charge is constrained by the existence of substitutes in the form of SIP data and competitive products offered by other SROs.

The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010) (''*NetCoalition I*''), upheld the Commission's reliance upon competitive markets to set reasonable and equitably allocated fees for market data. ''In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.' *NetCoalition I,* at 535 (quoting H.R. Rep. No. 94–229, at 92 (1975), *as reprinted in* 1975 U.S.C.C.A.N. 321, 323). The court agreed with the Commission's conclusion that ''Congress intended that 'competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.' '' [11]

The Court in *NetCoalition I,* while upholding the Commission's conclusion that competitive forces may be relied upon to establish the fairness of prices, nevertheless concluded that the record *in that case* did not adequately support the Commission's conclusions as to the competitive nature of the market for NYSE Arca's data product at issue in that case. As explained below in NASDAQ's Statement on Burden on Competition, however, NASDAQ believes that there is substantial evidence of competition in the marketplace for data that was not in the record in the *NetCoalition I* case, and that the Commission is entitled to rely upon such evidence in concluding fees are the product of competition, and therefore in accordance with the relevant statutory standards.[12] Moreover, NASDAQ further notes that the product at issue in this filing—a NASDAQ quotation and last sale data product that replicates a subset of the information available through ''core'' data products whose fees have been reviewed and approved by the SEC—is quite different from the NYSE Arca depth-of-book data product at issue in *NetCoalition I.* Accordingly, any findings of the court with respect to that product may not be relevant to the product at issue in this filing. As the Commission noted in approving the initial pilot for NASDAQ Basic, all of the information available in NASDAQ Basic is included in the core data feeds made available pursuant to the joint-SRO plans.[13] As the Commission further determined, ''the availability of alternatives to NASDAQ Basic significantly affect the terms on which NASDAQ can distribute this market data. In setting the fees for its NASDAQ Basic service, NASDAQ must consider the extent to which market participants would choose one or more alternatives instead of purchasing the exchange's data.'' [14] Thus, to the extent that the fees for core data have been established as reasonable under the Act, it follows that the fees for NASDAQ Basic are also reasonable, since charging unreasonably high fees would cause market participants to rely solely on core data or purchase proprietary products offered by other exchanges rather than purchasing NASDAQ Basic.

Moreover, as discussed in the order approving the initial pilot, and as further discussed below in NASDAQ's Statement on Burden on Competition, data products such as NASDAQ Basic are a means by which exchanges compete to attract order flow. To the extent that exchanges are successful in such competition, they earn trading revenues and also enhance the value of their data products by increasing the amount of data they are able to provide. Conversely, to the extent that exchanges are unsuccessful, the inputs needed to add value to data products are diminished. Accordingly, the need to compete for order flow places substantial pressure upon exchanges to keep their fees for both executions and data reasonable.

The enterprise license provides a means by which broker-dealers may reduce their fees for usage of NASDAQ Basic by a large number of internal Professional Subscribers. Accordingly, the license provides a means of providing ensuring [sic] that the overall fees for NASDAQ Basic paid by such broker-dealers are reasonable. The proposed change does not alter the reasonableness of the fees, since it will help to ensure that broker-dealers do not abuse the intent of the license by taking receiving NASDAQ Basic through multiple External Distributors under a single fixed-fee license. Rather, the change will ensure that licensees that opt to obtain data through multiple External Distributors pay a license fee that is proportion [sic] to that usage.

Similarly, the Per Query fee cap is a means of ensuring that the overall fees for NASDAQ Basic paid by individual Non-Professional users are reasonable. Both the Per Query fee and the monthly Non-Professional Subscriber fees are used to limit the costs borne by Non-Professional users. NASDAQ's current proposal ensures that the two fees interact in a manner that is fair to Non-Professional users. Likewise, while the fees for Professional Users of NASDAQ Basic are higher than for Non-Professionals, NASDAQ believes that the monthly fee and the Per Query fee must still interact in a manner that is fair to Professional users and that the proposed fee cap satisfies that requirement.

The changed fee also continues to reflect an equitable allocation and continues not to be unfairly discriminatory, because NASDAQ Basic is a voluntary product for which market participants can readily substitute core data feeds that provide additional quotation and last sale information not available through NASDAQ Basic. Accordingly, NASDAQ is constrained from pricing the product in a manner that would be inequitable or unfairly discriminatory. The enterprise license helps to ensure that fees for professional users are not inequitable or unfairly discriminatory, because they are subject to limitations that will enable broker-dealers with large numbers of subscribers to moderate the fees that they would otherwise be required to pay. The change being made to the license fee does not render the fee inequitable or unfairly discriminatory, but rather ensures that each broker pays a fair fee with respect to each External Distributor from which it receives NASDAQ Basic. Specifically, the fee will ensure that a broker-dealer that opts to receive NASDAQ Basic through more than one External Distributor pays a fee that equitably reflects additional usage, rather than paying the same paid [sic] by a broker receiving the product through only one External Distributor.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance

[11] *NetCoalition I,* at 535.

[12] It should also be noted that Section 916 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (''Dodd-Frank Act'') has amended paragraph (A) of Section 19(b)(3) of the Act, 15 U.S.C. 78s(b)(3), to make it clear that all exchange fees, including fees for market data, may be filed by exchanges on an immediately effective basis. *See also NetCoalition* v. *SEC,* 715 F.3d 342 (D.C. Cir. 2013) (''*NetCoalition II*'') (finding no jurisdiction to review Commission's non-suspension of immediately effective fee changes).

[13] Securities Exchange Act Release No. 12425 (March 16, 2009), 74 FR 12423, 12425 (March 24, 2009) (SR–NASDAQ–2008–102).

[14] *Id.* at 12425.

of the purposes of the Act, as amended. NASDAQ's ability to price NASDAQ Basic is constrained by (1) competition among exchanges, other trading platforms, and TRFs that compete with each other in a variety of dimensions; (2) the existence of inexpensive real-time consolidated data and market-specific data and free delayed consolidated data; and (3) the inherent contestability of the market for proprietary data.

The market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary to the creation of proprietary data and strict pricing discipline for the proprietary products themselves. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. This proprietary data is produced by each individual exchange, as well as other entities, in a vigorously competitive market. Similarly, with respect to the TRF data component of NASDAQ Basic, allowing exchanges to operate TRFs has permitted them to earn revenues by providing technology and data in support of the non-exchange segment of the market. This revenue opportunity has also resulted in fierce competition between the two current TRF operators, with both TRFs charging extremely low trade reporting fees and rebating the majority of the revenues they receive from core market data to the parties reporting trades.

Transaction executions and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade execution are a paradigmatic example of joint products with joint costs.[15] The decision whether and on which platform to post an order will depend on the attributes of the platform where the order can be posted, including the execution fees, data quality and price, and distribution of its data products. Without trade executions, exchange data products cannot exist. Moreover, data products are valuable to many end users only insofar as they provide information that end users expect will assist them or their customers in making trading decisions.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's transaction execution platform and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs. Moreover, the operation of the exchange is characterized by high fixed costs and low marginal costs. This cost structure is common in content and content distribution industries such as software, where developing new software typically requires a large initial investment (and continuing large investments to upgrade the software), but once the software is developed, the incremental cost of providing that software to an additional user is typically small, or even zero (*e.g.,* if the software can be downloaded over the internet after being purchased).[16] In NASDAQ's case, it is costly to build and maintain a trading platform, but the incremental cost of trading each additional share on an existing platform, or distributing an additional instance of data, is very low. Market information and executions are each produced jointly (in the sense that the activities of trading and placing orders are *the* source of the information that is distributed) and are each subject to significant scale economies. In such cases, marginal cost pricing is not feasible because if all sales were priced at the margin, NASDAQ would be unable to defray its platform costs of providing the joint products. Similarly, data products cannot make use of TRF trade reports without the raw material of the trade reports themselves, and therefore necessitate the costs of operating, regulating,[17] and maintaining a trade reporting system, costs that must be covered through the fees charged for use of the facility and sales of associated data.

An exchange's BD customers view the costs of transaction executions and of data as a unified cost of doing business with the exchange. A BD will direct orders to a particular exchange only if the expected revenues from executing trades on the exchange exceed net transaction execution costs and the cost of data that the BD chooses to buy to support its trading decisions (or those of its customers). The choice of data products is, in turn, a product of the value of the products in making profitable trading decisions. If the cost of the product exceeds its expected value, the BD will choose not to buy it. Moreover, as a BD chooses to direct fewer orders to a particular exchange, the value of the product to that BD decreases, for two reasons. First, the product will contain less information, because executions of the BD's trading activity will not be reflected in it. Second, and perhaps more important, the product will be less valuable to that BD because it does not provide information about the venue to which it is directing its orders. Data from the competing venue to which the BD is directing orders will become correspondingly more valuable.

Similarly, in the case of products such as NASDAQ Basic that may be distributed through market data vendors, the vendors provide price discipline for proprietary data products because they control a means of access to end users. Vendors impose price restraints based upon their business models. For example, vendors such as Bloomberg and Thomson Reuters that assess a surcharge on data they sell may refuse to offer proprietary products that end users will not purchase in sufficient numbers. Internet portals, such as Google, impose a discipline by providing only data that will enable them to attract ''eyeballs'' that contribute to their advertising revenue. Retail BDs, such as Charles Schwab and Fidelity, offer their customers proprietary data only if it promotes trading and generates sufficient commission revenue. Although the business models may differ, these vendors' pricing discipline is the same: They can simply refuse to purchase any proprietary data product that fails to provide sufficient value. Exchanges, TRFs, and other producers of proprietary data products must understand and respond to these varying business models and pricing disciplines in order to market proprietary data products successfully. Moreover, NASDAQ believes that products such as NASDAQ Basic can enhance order flow to NASDAQ by providing more widespread distribution of information about transactions in real time, thereby encouraging wider participation in the market by investors

[15] A complete explanation of the pricing dynamics associated with joint products is presented in a study that NASDAQ originally submitted to the Commission in SR–NASDAQ–2011–010. *See* Statement of Janusz Ordover and Gustavo Bamberger at 2–17 (December 29, 2010) (available at *http://nasdaq.cchwallstreet.com/NASDAQ/pdf/nasdaq-filings/2011/SR-NASDAQ-2011-010.pdf*).

[16] *See* William J. Baumol and Daniel G. Swanson, ''The New Economy and Ubiquitous Competitive Price Discrimination: Identifying Defensible Criteria of Market Power,'' *Antitrust Law Journal,* Vol. 70, No. 3 (2003).

[17] It should be noted that the costs of operating the FINRA/NASDAQ TRF borne by NASDAQ include regulatory charges paid by NASDAQ to FINRA.

with access to the data through their brokerage firm or other distribution sources. Conversely, the value of such products to distributors and investors decreases if order flow falls, because the products contain less content.

Analyzing the cost of market data distribution in isolation from the cost of all of the inputs supporting the creation of market data will inevitably underestimate the cost of the data. Thus, because it is impossible to create exchange data without a fast, technologically robust, and well-regulated execution system, system costs and regulatory costs affect the price of market data. It would be equally misleading, however, to attribute all of the exchange's costs to the market data portion of an exchange's joint product. Rather, all of the exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products. Similarly, the inclusion of trade reporting data in a product such as NASDAQ Basic may assist in attracting customers to the product, thereby assisting in covering the additional costs associated with operating and regulating a TRF.

Competition among trading platforms can be expected to constrain the aggregate return each platform earns from the sale of its joint products, but different platforms may choose from a range of possible, and equally reasonable, pricing strategies as the means of recovering total costs. NASDAQ pays rebates to attract orders, charges relatively low prices for market information and charges relatively high prices for accessing posted liquidity. Other platforms may choose a strategy of paying lower liquidity rebates to attract orders, setting relatively low prices for accessing posted liquidity, and setting relatively high prices for market information. Still others may provide most data free of charge and rely exclusively on transaction fees to recover their costs. Finally, some platforms may incentivize use by providing opportunities for equity ownership, which may allow them to charge lower direct fees for executions and data.

In this environment, there is no economic basis for regulating maximum prices for one of the joint products in an industry in which suppliers face competitive constraints with regard to the joint offering. Such regulation is unnecessary because an ''excessive'' price for one of the joint products will ultimately have to be reflected in lower prices for other products sold by the firm, or otherwise the firm will experience a loss in the volume of its sales that will be adverse to its overall profitability. In other words, an unreasonable increase in the price of data will ultimately have to be accompanied by a decrease in the cost of executions, or the volume of both data and executions will fall.

The level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including thirteen SRO markets, as well as internalizing BDs and various forms of alternative trading systems (''ATSs''), including dark pools and electronic communication networks (''ECNs''). Each SRO market competes to produce transaction reports via trade executions, and two FINRA-regulated TRFs compete to attract internalized transaction reports. It is common for BDs to further and exploit this competition by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market. Competitive markets for order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products.

The large number of SROs, TRFs, BDs, and ATSs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, TRF, ATS, and BD is currently permitted to produce proprietary data products, and many currently do or have announced plans to do so, including NASDAQ, NYSE, NYSE MKT, NYSE Arca, BATS, and Direct Edge.

Any ATS or BD can combine with any other ATS, BD, or multiple ATSs or BDs to produce joint proprietary data products. Additionally, order routers and market data vendors can facilitate single or multiple BDs' production of proprietary data products. The potential sources of proprietary products are virtually limitless. Notably, the potential sources of data include the BDs that submit trade reports to TRFs and that have the ability to consolidate and distribute their data without the involvement of FINRA or an exchange-operated TRF.

The fact that proprietary data from ATSs, BDs, and vendors can by-pass SROs is significant in two respects. First, non-SROs can compete directly with SROs for the production and sale of proprietary data products, as BATS and Arca did before registering as exchanges by publishing proprietary book data on the internet. Second, because a single order or transaction report can appear in a core data product, an SRO proprietary product, and/or a non-SRO proprietary product, the data available in proprietary products is exponentially greater than the actual number of orders and transaction reports that exist in the marketplace. Indeed, in the case of NASDAQ Basic, the data provided through that product appears both in (i) real-time core data products offered by the SIPs for a fee, and (ii) free SIP data products with a 15-minute time delay, and finds a close substitute in similar products of competing venues.

In addition to the competition and price discipline described above, the market for proprietary data products is also highly contestable because market entry is rapid, inexpensive, and profitable. The history of electronic trading is replete with examples of entrants that swiftly grew into some of the largest electronic trading platforms and proprietary data producers: Archipelago, Bloomberg Tradebook, Island, RediBook, Attain, TracECN, BATS Trading and Direct Edge. A proliferation of dark pools and other ATSs operate profitably with fragmentary shares of consolidated market volume.

Regulation NMS, by deregulating the market for proprietary data, has increased the contestability of that market. While BDs have previously published their proprietary data individually, Regulation NMS encourages market data vendors and BDs to produce proprietary products cooperatively in a manner never before possible. Multiple market data vendors already have the capability to aggregate data and disseminate it on a profitable scale, including Bloomberg and Thomson Reuters. In Europe, Markit aggregates and disseminates data from over 50 brokers and multilateral trading facilities.[18]

In the case of TRFs, the rapid entry of several exchanges into this space in 2006–2007 following the development and Commission approval of the TRF structure demonstrates the contestability of this aspect of the market.[19] Given the demand for trade reporting services that is itself a by-product of the fierce competition for transaction executions—characterized notably by a proliferation of ATSs and BDs offering internalization—any supra-competitive increase in the fees

[18] *http://www.markit.com/en/products/data/boat/boat-boat-data.page.*

[19] The low cost exit of two TRFs from the market is also evidence of a contestible market, because new entrants are reluctant to enter a market where exit may involve substantial shut-down costs.

associated with trade reporting or TRF data would shift trade report volumes from one of the existing TRFs to the other [20] and create incentives for other TRF operators to enter the space. Alternatively, because BDs reporting to TRFs are themselves free to consolidate the market data that they report, the market for over-the-counter data itself, separate and apart from the markets for execution and trade reporting services—is fully contestable.

Moreover, consolidated data provides substantial pricing discipline for proprietary data products that are a subset of the consolidated data stream. Because consolidated data contains marketwide information, it effectively places a cap on the fees assessed for proprietary data (such as quotation and last sale data) that is simply a subset of the consolidated data. The availability provides a powerful form of pricing discipline for proprietary data products that contain data elements that are a subset of the consolidated data, by highlighting the optional nature of proprietary products.

The competitive nature of the market for non-core ''sub-set'' products such as NASDAQ Basic is borne out by the performance of the market. In May 2008, the internet portal Yahoo! began offering its Web site viewers real-time last sale data (as well as best quote data) provided by BATS. In June 2008, NASDAQ launched NLS, which was initially subject to an ''enterprise cap'' of $100,000 for customers receiving only one of the NLS products, and $150,000 for customers receiving both products. The majority of NASDAQ's sales were at the capped level. In early 2009, BATS expanded its offering of free data to include depth-of-book data. Also in early 2009, NYSE Arca announced the launch of a competitive last sale product with an enterprise price of $30,000 per month. In response, NASDAQ combined the enterprise cap for the NLS products and reduced the cap to $50,000 (*i.e.,* a reduction of $100,000 per month). Similarly, the enterprise license and netting option being offered for NASDAQ Basic through this proposed rule change reflects a means by which the overall cost of the product is limited in accordance with the existence of competitive alternatives, including both core and proprietary data.

In this environment, a super-competitive increase in the fees charged for either transactions or data has the potential to impair revenues from both products. ''No one disputes that competition for order flow is 'fierce'.'' *NetCoalition I* at 539. The existence of fierce competition for order flow implies a high degree of price sensitivity on the part of BDs with order flow, since they may readily reduce costs by directing orders toward the lowest-cost trading venues. A BD that shifted its order flow from one platform to another in response to order execution price differentials would both reduce the value of that platform's market data and reduce its own need to consume data from the disfavored platform. If a platform increases its market data fees, the change will affect the overall cost of doing business with the platform, and affected BDs will assess whether they can lower their trading costs by directing orders elsewhere and thereby lessening the need for the more expensive data. Similarly, increases in the cost of NASDAQ Basic would impair the willingness of distributors to take a product for which there are numerous alternatives, impacting NASDAQ Basic data revenues, the value of NASDAQ Basic as a tool for attracting order flow, and ultimately, the volume of orders routed to NASDAQ and reported to the FINRA/NASDAQ TRF and the value of its other data products.

Competition has also driven NASDAQ continually to improve its data offerings and to cater to customers' data needs. The NASDAQ Basic product itself is a product of this competition, offering a subset of core data to users that may not wish to receive or pay for all consolidated data.

The existence of numerous alternatives to NASDAQ Basic, including real-time consolidated data, free delayed consolidated data, and proprietary data from other sources ensures that NASDAQ cannot set unreasonable fees, or fees that are unreasonably discriminatory, without losing business to these alternatives. Accordingly, NASDAQ believes that the acceptance of the NASDAQ Basic product in the marketplace demonstrates the consistency of these fees with applicable statutory standards. Likewise, the fee changes proposed herein will be subject to these same competitive forces. If the proposed fee increase is excessive, or if the proposals for an enterprise license and netting are unattractive to market participants, only NASDAQ will suffer, since its customers will merely migrate to competitive alternatives.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [21] and paragraph (f) of Rule 19b-4 thereunder.[22] 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–NASDAQ–2014–045 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–045. 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

[20] It should be noted that the FINRA/NYSE TRF has, in recent weeks, received reports for over 10% of all over-the-counter volume in NMS stocks. In addition, FINRA has announced plans to update its Alternative Display Facility, which is also able to receive over-the-counter trade reports. *See* Securities Exchange Act Release No. 70048 (July 26, 2013), 78 FR 46652 (August 1, 2013) (SR–FINRA–2013–031).

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f).

available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of Nasdaq. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–045 and should be submitted on or before June 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11296 Filed 5–15–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72147; File No. SR–NYSE–2014–24]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Section 902.02 of the Listed Company Manual To Modify How It Calculates Annual Fees for Certain Issuers in Their First Year of Listing on the Exchange Which Will Result in Large Issuers Receiving a Reduction in Their First Year's Annual Fee That Is Proportional to Their Reduced Time Listed on the Exchange

May 12, 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 May 6, 2014, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 Section 902.02 of the Listed Company Manual (the ''Manual'') to modify how it calculates annual fees for certain issuers in their first year of listing on the Exchange. Such modification will result in large issuers receiving a reduction in their first year's annual fee that is proportional to their reduced time listed on the Exchange. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section 902.02 of the Manual to modify how it calculates annual fees for certain issuers in their first year of listing on the Exchange. Such modification will result in large issuers receiving a reduction in their first year's annual fee that is proportional to their reduced time listed on the Exchange.

Pursuant to Section 902.02 of the Manual, listed companies are charged an annual fee for each class or series of security listed on the Exchange. The annual fee is calculated based on the number of shares issued and outstanding, including treasury stock and restricted stock.[4] In its first year of listing, a company's annual fee is prorated from the date of initial listing through the year end.

Listed companies also pay other fees to the Exchange, including fees associated with initial and supplemental listing applications. In any given calendar year, however, Section 902.02 of the Manual specifies that the total fees that the Exchange may bill a listed company are capped at $500,000 (the ''Total Maximum Fee''). Therefore, a large company with a significant number of shares outstanding whose annual fee would otherwise exceed $500,000 will only be billed the Total Maximum Fee for that year. Similarly, a company whose annual fee is below $500,000 will only incur additional fees (with respect to supplemental listing applications, for example) up to the Total Maximum Fee.

As noted above, the Exchange prorates an [sic] company's annual fee in its first year of listing. Currently, the Exchange determines a newly listed company's prorated annual fee by calculating what the company's annual fee would be if it were listed for the entire calendar year and then charging only that percentage that corresponds to the period from the date of initial listing through the year end. If a listed company's prorated annual fee exceeds $500,000 it is only charged that portion of the annual fee that, when aggregated with any other fees it has already been billed by the Exchange, brings it to the Total Maximum Fee, and it will not incur any additional fees during the calendar year. If a company's prorated annual fee is below $500,000 it would pay the full amount of such prorated annual fee and continue to incur additional fees until it hits the Total Maximum Fee.

By way of example, assume Company A lists on the Exchange on July 1. If Company A had been listed on the Exchange for the entire calendar year, its annual fee would be $2,000,000. Because it will be listed for only six months, however, Company A's annual fee is prorated to $1,000,000. Under its current policy, the Exchange then applies the Total Maximum Fee and bills Company A only $500,000 of its prorated annual fee. Because Company A has hit the Total Maximum Fee, it will not incur any additional fees (with respect to supplemental listing applications, for example) during that calendar year.

Assume Company B also lists on the Exchange on July 1. If Company B had been listed on the Exchange for the entire calendar year, its annual fee would be $800,000. Because it will be listed for only six months, however, Company B's annual fee is prorated to $400,000. Under the Exchange's current policy, Company B will be billed the $400,000 prorated annual fee and will continue to incur additional fees (with respect to supplemental listing

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Currently, the annual fee for a listed company's primary class of common shares is $0.00093 per share, subject to a minimum total annual fee of $42,000.

applications, for example) until it hits the Total Maximum Fee.

Assume Company C also lists on the Exchange on July 1. If Company C had been listed on the Exchange for the entire calendar year, its annual fee would be $400,000. Because it will be listed for only six months, however, Company C's annual fee is prorated to $200,000. Company C will be billed the $200,000 prorated annual fee and will continue to incur additional fees (with respect to supplemental listing applications, for example) until it hits the Total Maximum Fee.

Because the Exchange has the Total Maximum Fee that it may charge listed companies in any given calendar year, the Exchange proposes to amend the manner in which it calculates a prorated annual fee during a company's first year of listing. Instead of using a company's actual annual fee (calculated on a per share basis) for purposes of calculating a company's prorated annual fee and then reducing it to the Total Maximum Fee as applicable, the Exchange proposes to use the lesser of an issuer's annual fee and the Total Maximum Fee as the starting point and prorate that figure for the period of time a company is listed on the Exchange during its first year.

Returning to the examples above and giving effect to the Exchange's proposed policy, assume Company A lists on the Exchange on July 1. If Company A had been listed on the Exchange for the entire calendar year, its annual fee would be $2,000,000. Because of the Total Maximum Fee, however, the most Company A can be billed in any calendar year is $500,000. The Exchange therefore will prorate the Total Maximum Fee and bill Company A an annual fee of $250,000 for the six months it is listed on the Exchange in that first year. Company A will continue to incur additional fees (with respect to supplemental listing applications, for example) until it hits the Total Maximum Fee.

Assume Company B also lists on the Exchange on July 1. If Company B had been listed on the Exchange for the entire calendar year, its annual fee would be $800,000. Because of the Total Maximum Fee, however, the most Company B can be billed in any calendar year is $500,000. Under its proposed new policy, therefore, the Exchange will prorate the Total Maximum Fee and bill Company B an annual fee of $250,000 for the six months it is listed on the Exchange in that first year. Company B will continue to incur additional fees (with respect to supplemental listing applications, for example) until it hits the Total Maximum Fee.

Assume Company C also lists on the Exchange on July 1. If Company C had been listed on the Exchange for the entire calendar year, its annual fee would be $400,000. Because Company C's annual fee is less than the Total Maximum Fee, its prorated annual fee will be calculated based on the entire $400,000. Accordingly, Company C's annual fee will be prorated to $200,000 for the six months it is listed on the Exchange. Company C will continue to incur additional fees (with respect to supplemental listing applications, for example) until it hits the Total Maximum Fee.

The Exchange believes this proposed rule change more fairly and equitably allocates listing fees because it would provide a pro rata annual fee to all listed companies. Under the Exchange's current rules, a large company whose prorated annual fee exceeds the Total Maximum Fee still pays the Total Maximum Fee even though it is only listed for a portion of a calendar year. That same large company will pay the exact same annual fee during its second year of listing when it is listed for a full twelve months. The Exchange believes that the proposed rule change appropriately recognizes that a company should pay a reduced annual fee in its first year of listing when it is only listed for a portion of such year. Accordingly, the proposed rule change further [sic] the Exchange's goal of proportionately allocating fees among listed companies.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4)[6] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5)[7] of the Act in that it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that it is reasonable to modify the way in which it calculates a listed company's prorated annual fee in its first year of listing. The Exchange's current practice results in certain large issuers paying the same annual fee during their first year of listing (when they may only be listed for a portion of the year) and their second year of listing (when they are listed for the entire twelve months). The Exchange's proposed rule change will result in large issuers receiving a reduction in their first year's annual fee that is proportional to their reduced time listed on the Exchange. The Exchange believes such reduction results in a more equitable allocation of fees. The proposed rule change is not designed to permit unfair discrimination because all issuers listed on the exchange will now be entitled to pay a pro rata annual fee in their first year of listing.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change simply modifies the way in which the Exchange calculates prorated annual fees for certain large issuers that are listed for less than an entire year. Such modification will result in large issuers receiving a reduction in their first year's annual fee that is proportional to their reduced time listed on the Exchange. The proposed rule change ensures that the Exchange has fair billing practices and can effectively compete for listings. Accordingly, the Exchange does not believe that the proposed change will impose any burden on competition.

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 foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[8] of the Act and subparagraph (f)(2) of Rule 19b–4[9] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(2).

the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [10] of the Act to determine whether the proposed rule change 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–NYSE–2014–24 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–NYSE–2014–24. 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 NYSE. 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–NYSE–2014–24, and should be submitted on or before June 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11291 Filed 5–15–14; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(2)(B).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72148; File No. SR–NYSEMKT–2014–43]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Price List To Account for Recent Changes to the Securities Eligible To Be Traded on the Exchange Pursuant to a Grant of Unlisted Trading Privileges

May 12, 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 29, 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, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to account for recent changes to the securities eligible to be traded on the Exchange pursuant to a grant of unlisted trading privileges (''UTP''). The Exchange proposes to implement the fee change effective May 5, 2014. 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, on the Commission's Web site at *www.sec.gov,* and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to account for recent changes to the securities eligible to be traded on the Exchange pursuant to UTP. The Exchange proposes to implement the fee change effective May 5, 2014.

Securities traded on the Exchange pursuant to UTP are subject to a pilot program (the ''UTP Pilot Program'') set forth in the 500 series rules.[4] The current UTP Pilot Program is limited to securities listed on the Nasdaq Stock Market, LLC (''Nasdaq Securities'') and includes only a single Exchange Traded Fund (''ETF''), the Invesco PowerShares QQQ™ (the ''QQQ™'').[5]

The Exchange recently submitted a proposal for immediate effectiveness to expand the UTP Pilot Program to permit additional securities beyond Nasdaq Securities to be traded on the Exchange pursuant to UTP.[6] In addition to Nasdaq Securities, the new definition of ''UTP Securities'' would include certain ''Exchange Traded Products'' (''ETPs''), including ETFs; [7] Exchange Traded

[4] *See* Securities Exchange Act Release No. 62479 (July 9, 2010), 75 FR 41264 (July 15, 2010) (SR–NYSEAmex–2010–31).

[5] The UTP Pilot Program is currently scheduled to expire on the earlier of Securities and Exchange Commission (''Commission'') approval to make the pilot permanent or July 31, 2014. *See* Securities Exchange Act Release No. 71363 (January 21, 2014), 79 FR 4373 (January 27, 2014) (SR–NYSEMKT–2014–01).

[6] *See* Securities Exchange Act Release No. 71952 (April 16, 2014), 79 FR 22558 (April 22, 2014) (SR–NYSEMKT–2014–32).

[7] 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

Continued

Notes (''ETNs''); [8] Exchange Traded Vehicles (''ETVs''); [9] 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.

The Exchange now proposes to amend its Price List to account for these changes. The Exchange proposes to add a new section to the Price List that would apply to transactions in ETPs traded on the Exchange pursuant to UTP, including QQQ. The rates in the existing section in the Price List for transactions in Nasdaq Securities would not change, but the section headings would be updated to reflect that such rates would only apply to non-ETPs traded on the Exchange pursuant to UTP. The proposed rates for ETPs would be identical to the existing rates in the Price List for Nasdaq Securities, except as follows:

- The fee for Mid-Point Passive Liquidity (''MPL'') orders that remove liquidity from the Exchange for securities priced $1 or more would be $0.0029 instead of the existing $0.0030 fee for Nasdaq Securities;
- The fee for ''all other'' transactions that remove liquidity from the Exchange for securities priced $1 or more would be $0.0029 instead of the existing $0.0030 fee for Nasdaq Securities;
- The existing credits for adding liquidity in orders that originally display a minimum of 2,000 shares with a trading price of at least $5.00 per share would not apply for ETPs;
- The credit for Designated Market Maker (''DMM'') transactions that add liquidity for securities priced $1 or more would be $0.0030 instead of the existing $0.0040 credit for Nasdaq Securities;
- The fee for ''all other'' DMM transactions that remove liquidity for securities priced $1 or more would be $0.0029 instead of the existing $0.0030 fee for Nasdaq Securities; and
- The credit for Supplemental Liquidity Provider (''SLP'') transactions that add liquidity for securities priced $1 or more, if the SLP meets its quoting requirement pursuant to Rule 107B—Equities, would be $0.0028 instead of the existing $0.0030 credit for Nasdaq Securities.

The Exchange also proposes certain non-substantive changes to the Price List, such as updating subheadings and rule references.

The proposed change is not otherwise intended to address any other issues, and the Exchange is not aware of any problems that members and member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed change is reasonable because it would identify pricing applicable to ETPs traded on the Exchange pursuant to UTP, as a result of a recent, immediately effective proposal by the Exchange to expand the UTP Pilot Program to permit additional securities beyond Nasdaq Securities to be traded on the Exchange pursuant to UTP.[12] The Exchange believes that the proposed rates are reasonable because many of them would be identical to the existing rates in the Price List for Nasdaq Securities traded on the Exchange pursuant to UTP. Certain of the proposed fees would be slightly lower than the existing corresponding fees for Nasdaq Securities, which is reasonable because it would incentivize increased activity in ETPs that would be newly-traded on the Exchange pursuant to UTP. Similarly, certain of the proposed credits for DMMs and SLPs would be slightly lower than the existing corresponding credits for Nasdaq Securities, which is reasonable because it would account for certain lower fees that DMMs and SLPs would be charged and because the lower credits would be more consistent with credits available to other market participants' transactions in ETPs that would trade on the Exchange pursuant to UTP.

An existing credit for transactions in Nasdaq Securities that originally display a minimum of 2,000 shares with a trading price of at least $5.00 per share would be eliminated for ETPs. The Exchange believes that this is reasonable because of the lower fees that would be available for transactions in ETPs traded on the Exchange pursuant to UTP, as compared to certain of the existing rates for Nasdaq Securities. The Exchange believes that these lower fees would act as an incentive for market participants to trade on the Exchange, such that this existing credit would not be needed to incentivize activity in the newly-traded ETPs. The Exchange also believes that it is reasonable for transactions in QQQ to be priced according the rates in the proposed new section of the Price List because it would result in transactions in QQQ being billed in the same manner as other ETPs traded on the Exchange pursuant to UTP.

The Exchange believes that the proposed change is equitable and not unfairly discriminatory because it would identify transaction fees and credits applicable to an expanded number of securities available to be traded on the Exchange pursuant to UTP, thereby encouraging the additional utilization of, and interaction with, the Exchange. The proposed pricing is also equitable and not unfairly discriminatory because it would attract additional volume to the Exchange and thereby contribute to a more competitive market on the Exchange in the trading of securities pursuant to UTP.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[13] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed change would increase competition by encouraging the additional utilization of, and interaction with, the Exchange, thereby providing market participants with additional price discovery, increased liquidity through additional market making, more competitive quotes, and potentially greater price improvement for UTP Securities.

Finally, the Exchange notes that it operates in a highly competitive market

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.

[8] 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.

[9] 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.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] *See supra* note 6.

[13] 15 U.S.C. 78f(b)(8).

in which market participants can readily favor competing venues 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, the Exchange must continually adjust its fees and rebates 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 and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of member organizations 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 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 foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [14] of the Act and subparagraph (f)(2) of Rule 19b–4 [15] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [16] of the Act to determine whether the proposed rule change should be approved or disapproved.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

[16] 15 U.S.C. 78s(b)(2)(B).

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–2014–43 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–2014–43. 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–2014–43 and should be submitted on or before June 6, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11297 Filed 5–15–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Pingify International, Inc.; Order of Suspension of Trading

May 14, 2014.

It appears to the Securities and Exchange Commission that the public interest and the protection of investors require a suspension of trading in the securities of Pingify International, Inc. because of concerns regarding potential manipulative activity in Pingify's common stock that appears to be related to a promotional campaign currently being conducted through various Internet Web sites. Pingify International, Inc. is a Nevada corporation with its principal place of business located in Edmonton, Alberta, Canada. Its stock is quoted on OTC Link, operated by OTC Markets Group Inc., under the ticker: PGFY.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT, on May 14, 2014 through 11:59 p.m. EDT, on May 28, 2014.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11461 Filed 5–14–14; 11:15 am]

BILLING CODE 8011–01–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 three revisions and one extension of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden

[17] 17 CFR 200.30–3(a)(12).

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 July 15, 2014. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Electronic Benefit Verification Information (BEVE) and Internet Benefit Verficiation (iBEVE)—20 CFR 401.40—0960–0595. The electronic proof of income (POI) verification information service, BEVE, provides Supplemental Security Income (SSI) recipients, Social Security, and Medicare beneficiaries, the convenience of requesting a POI statement through the Internet. Beneficiaries and SSI recipients often require POI to obtain housing, food stamps, or other public services. After verifying the requester's identity, SSA uses the information from BEVE to provide the POI statement. The iBEVE Internet application allows the same BEVE service the public uses to access POI and benefit information. However, the iBEVE service allows the public instant online access to their POI and benefit information (unlike the BEVE service that mails the information via U.S. Postal Service). iBEVE users are required to pass SSA's Public Credentialing and Authentication Process (OMB No. 0960–0789) prior to entering into the iBEVE Internet application. The respondents are Social Security and Medicare beneficiaries, and SSI recipients.

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)
BEVE	870,958	1	5	72,580
iBEVE	1,007,744	1	4	67,183
Totals	1,878,702			139,763

2. Medicare Part D Subsidies Regulations—20 CFR 418.3625, 418.3645, 418.3665(a), and 418.3670—0960–0702. The Medicare Prescription Drug Improvement and Modernization Act (MMA) of 2003 established the Medicare Part D program for voluntary prescription drug coverage of premium, deductible, and co-payment costs for certain low-income individuals. The MMA also mandated the provision of subsidies for those individuals who qualify for the program and who meet eligibility criteria for help with premium, deductible, or co-payment costs. This law requires SSA to make eligibility determinations and to provide a process for appealing SSA's determinations. Regulation sections 418.3625(c), 418.3645, 418.3665(a), and 418.3670 contain public reporting requirements pertaining to administrative review hearings. Respondents are applicants for the Medicare Part D subsidies who request an administrative review hearing.

Type of Request: Extension of an existing OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
418.3625(c)	150	1	5	13
418.3645	10	1	20	3
418.3665(a)	300	1	5	25
418.3670	0	1	10	0
Totals	460			41

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding the information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than June 16, 2014. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov*.

1. Statement Regarding Marriage—20 CFR 404.726—0960–0017. According to section 216(h)(1)(A) of the Social Security Act (Act), SSA must apply state law when determining an individual's marital status. Some state laws recognize marriages without a ceremony (i.e., common-law marriages). In such cases, SSA provides the same spouse or widow(er) benefits to the common-law spouses as it does to ceremonially married spouses. To determine common-law spouses, SSA must elicit information from blood relatives or other persons who are knowledgeable about the alleged common-law relationship. SSA uses Form SSA–753, Statement Regarding Marriage, to collect information from third parties to verify the applicant's statements about intent,

cohabitation, and holding out to the public as married, which are the basic tenets of a common-law marriage. SSA uses the information to determine if a valid marital relationship exists, and if the common-law spouse is entitled to Social Security spouse or widow(er) benefits. The respondents are third parties who can confirm or deny the alleged common-law marriage.

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–753	40,000	1	9	6,000

2. Request for Review of Hearing Decision/Order–20 CFR 404.967–404.981, 416.1467–416.1481–0960–0277. Claimants have a statutory right under the Act and current regulations to request review of an administrative law judge's (ALJ) hearing decision or dismissal of a hearing request on Title II and Title XVI claims. Claimants may request Appeals Council review by filing a written request using Form HA–520. SSA uses the information to establish the claimant filed the request for review within the prescribed time, and to ensure the claimant completed the requisite steps permitting the Appeals Council review. The Appeals Council uses the information to: (1) Document the claimant's reason(s) for disagreeing with the ALJ's decision or dismissal; (2) determine whether the claimant has additional evidence to submit; and (3) determine whether the claimant has a representative or wants to appoint one. The respondents are claimants requesting review of an ALJ's decision or dismissal of hearing.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HA–520	171,000	1	10	28,500

Dated: May 13, 2014.

Faye Lipsky,

Reports Clearance Director, Social Security Administration.

[FR Doc. 2014–11334 Filed 5–15–14; 8:45 am]

BILLING CODE 4191–02–P

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Notice of Cancellation of Partially Opened Meeting of the Industry Trade Advisory Committee on Small and Minority Business (ITAC 11)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of cancellation of partially opened meeting.

SUMMARY: This notice cancels the partially open meeting of the Industry Trade Advisory Committee on Small and Minority Business (ITAC 11) scheduled for Monday, May 19, 2014 from 3:00–4:00 p.m..

FOR FURTHER INFORMATION CONTACT: Laura Hellstem, Designated Federal Officer, Industry Trade Advisory Center (ITAC), U.S. Department of Commerce, 1401 Constitution Ave. NW., Room 4043, Washington, DC 20230; by Fax: (202) 482–3268; or by email: *Laura.Hellstem@trade.gov.*

SUPPLEMENTARY INFORMATION: The May 19, 2014 partially open meeting from 3:00–4:00 p.m. of the Industry Trade Advisory Committee on Small and Minority Business (ITAC 11) is cancelled. The meeting was originally announced in the Federal Registry on May 6, 2014 at 79 FR 2014–10267, pages 25982–25983.

Jewel James,

Assistant United State Trade Representative, For Intergovernmental Affairs and Public Engagement.

[FR Doc. 2014–11420 Filed 5–15–14; 8:45 am]

BILLING CODE 3290–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

37th Meeting: RTCA Special Committee 206, Aeronautical Information and Meteorological Data Link Services

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

ACTION: Meeting Notice of RTCA Special Committee 206, Aeronautical Information and Meteorological Data Link Services.

SUMMARY: The FAA is issuing this notice to advise the public of the thirty-seventh meeting of the RTCA Special Committee 206, Aeronautical Information and Meteorological Data Link Services.

DATES: The meeting will be held June 9–13, 2014, 8:30 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA, 1150 18th St. NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 206. The agenda will include the following:

June 9

- Opening remarks: DFO, Chairman, and Host
- Attendees' introductions
- Review and approval of meeting agenda
- Action item review
- Approval of previous (Kansas City) meeting minutes
- Sub-Groups' status and week's plan
- Industry presentations
- First Wake Vortex Tiger Team Meeting Debrief
- WG–76 Meeting Debrief
- Sub-Group meetings

June 10

- Sub-Groups meetings
- SG6: SE2020 Eddy Dissipation Rate (EDR) Turbulence Project Update Plenary

June 11

- Sub-Group Meetings

June 12

- SG–4 DO–252 FRAC Resolution
- Sub-Group Meetings
- SG–4 DO–252 FRAC Resolution (if needed)

June 13

- Sub-Groups' reports
- Decision to Approve DO–252 Update for PMC Review
- Action item review
- Future meeting plans and dates
- Industry coordination and presentations
- Other business
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 8, 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–11383 Filed 5–15–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0003]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 75 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective May 16, 2014. The exemptions expire on May 16, 2016.

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:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgement 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).

Background

On March 14, 2014, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (79 FR 14571). That notice listed 75 applicants' case histories. The 75 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 75 applications on their merits and made a determination to grant exemptions to each of them.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

> A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 75 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including retinal scar, amblyopia, complete loss of vision, retinal detachment, cataract, macular hole, macular edema, corneal scarring, macular degeneration, aphakia, prosthetic eye, strabismic amblyopia, coloboma, optic atrophy, refractive amblyopia, ischemic optic neuropathy, congenital esotropia, optic nerve damage, congenital neuropathy, Coat's disease, myopia, strabismus, glaucoma, exfoliative glaucoma, central vision decrease, retinal artery occlusion, and scar tissue. In most cases, their eye conditions were not recently developed. Forty-eight of the applicants were either born with their vision impairments or have had them since childhood.

The twenty-seven individuals that sustained their vision conditions as adults have had it for a period of 2 to 55 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to

evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 75 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging from 18 months to 54 years. In the past 3 years, one of the drivers was involved in a crash and three were convicted for moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the March 14, 2014 notice (79 FR 14571).

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 75 applicants, one of the driver was involved in a crash and three were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 75 applicants listed in the notice of March 14, 2014 (79 FR 14571).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 75 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy

of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received two comments in this proceeding. The comments are discussed below.

Sharon Massey is in favor of granting Hurley H. Bacon an exemption.

Angelo Pais and Alice Pais are in favor of granting Hurley H. Bacon an exemption.

Conclusion

Based upon its evaluation of the 75 exemption applications, FMCSA exempts Luis A. Agudo (MN), Ilidio G. Almeida (NJ), Roger E. Anderson (TX), Pablo Ayala (FL), Hurley H. Bacon (NM), Dmitry D. Bayda (WA), Marvin J. Bensend Jr. (MS), Ronald L. Bird (UT), John R. Bohman (OH), Dale A. Braton (MN), Michael R. Burnau (MO), Balwinder S. Chatha (CA), Eddie D. Coggins (NC), Cody W. Christian (OK), Ronald G. Cote (VT), Michael T. Deaton (KY), Gilbert Deprey (ME), Billy D. Devine (WA), James G. Donze (MO), Kerry M. Dotson (WA), Jeffrey D. Duncan (IN), Charles R. Early (IN), Scott E. Elliot (NH), Frank J. Faria (CA), Raleigh K. Franklin (UT), Dennis A. Feather (FL), Michael Gargano (FL), Nicholas C. Georgen (IA), Dean D. Hawks (MN), Peter E. Jacobs (FL), Mark J. Jochim (WA), Robert E. Johnston, Jr. (WA), Alfred R. Kallaus III (CA), Gregory J. Kuhn (NE), David W. Leach (IL), Jason S. Logue (GA), Jesse Long, Jr. (GA), John L. Lucas (NC), David F. Martin (NJ), Martin L. Mayes (GA), Donald L. McCraw, Jr. (VA), Daniel A. McNabb, Jr. (KS), Phillip L. Mello (CA), Roberto C. Mendez (TX), Clinton F. Merithew (NE), Ronald S. Milkowski (NJ), Robert L. Murray (IL), Jeffrey L. Oswald (PA), Barry L. Pylant (GA), Steve W. Quenzer (SD), Bradley W. Reed (AL), Jamey D. Reed (TX), Erik M. Rice (TX), Thomas A. Rients (IL), Harry L. Ross (KS), Ricky D. Rostad (MN), Chad M. St. Mary (MN), Tatum R. Schmidt (IA), Harry J. Scholl (PA), Jacob A. Shaffer (PA), Carl D. Short (MO), Michael W. Slief (KS), Thomas G. Smedema (WI), James S. Smith (AR), Steven S. Smith, Jr. (PA), Thomas W. Smith (PA), Richard H. Solum (MN), Scott R. Sorensen (CA), Robert W. Stewart (MO), Samuel M. Stoltzfus (PA), Elston L. Taylor (VA), Sherman L. Taylor (FL), Robert E. Troutman (NC), Dale E. Williams (TX), and Steven E. Young (MO) from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: May 6, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–11255 Filed 5–15–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2014–0013]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 40 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions are effective May 16, 2014. The exemptions expire on May 16, 2016.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/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.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's 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, or other entity). 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).

Background

On March 14, 2013, FMCSA published a notice of receipt of Federal diabetes exemption applications from 40 individuals and requested comments from the public (79 FR 14579). The public comment period closed on April 14, 2014, and one comment was received.

FMCSA has evaluated the eligibility of the 40 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such

drivers to operate CMVs in interstate commerce.

These 40 applicants have had ITDM over a range of 1 to 41 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the March 14, 2014, **Federal Register** notice and they will not be repeated in this notice.

Discussion of Comments

FMCSA received one comment in this proceeding. The comment is discussed below.

Ken Czeschin is in favor of granting Donald S. Middleton an exemption.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Conclusion

Based upon its evaluation of the 40 exemption applications, FMCSA exempts Schylor M. Altenhofen (IA), Don R. Anderson, III (IN), Thomas A. Barnes (MI), Charles L. Bryant (PA), Edward Cannon, Jr. (AZ), Alvin L. Carpenter (MT), Richard J. D'Ambrosia (NY), Jefferey F. Deane (MA), Keith M. Dickerson (WI), Carl A. Federighi (CA), Bradley J. Frazier (IL), Maximo E. Gayten (CO), Carl R. Gentry (WA), Benjamin D. Hirsch (NE), Robert M. Hutchison (NY), Gerald S. Johnson (FL), Michael E. Jorissen (ND), Craig A. Keese, Jr. (NY), Robert E. Kilheffer, Jr. (PA), Amos L. Lapp (PA), Edward J. Lulay (IL), Archard W. McQuade, Jr. (MD), Donald S. Middleton (MO), Alva D. Moffatt (WA), John M. Muske (MN), Joseph S. Myers (FL), Stephen R. Newlin (IL), Antonio Pepiciello (NY), David R. Petitt (WA), James K. Popp (MN), Dustin P. Russell (PA), Gilbert L. Sanchez (TX), Sean L. Shidell (WI), Randall L. Shultz (MO), Patrick J. Smiley (PA), Kenneth R. Soult (OH), Chad B. Spidell (PA), Cameron M. Sprinkle (IN), Douglas E. Stewart (MS), and Thomas L. Williams (MN) from the ITDM requirement in 49 CFR 391.41(b)(3), subject to the conditions listed under ''Conditions and Requirements'' above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: May 6, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–11242 Filed 5–15–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2000–7257, Notice No. 78]

Railroad Safety Advisory Committee; Charter Renewal

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Announcement of Charter Renewal of the Railroad Safety Advisory Committee (RSAC).

SUMMARY: FRA announces the charter renewal of the RSAC, a Federal Advisory Committee that develops railroad safety regulations through a consensus process. This charter renewal will take effect on May 16, 2014, and will expire after 2 years.

FOR FURTHER INFORMATION CONTACT: Larry Woolverton, RSAC Designated Federal Officer/Administrative Officer, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493–6212; or Robert Lauby, Associate Administrator for Railroad Safety/Chief Safety Officer, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493–6474.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), FRA is giving notice of the charter renewal for the RSAC. The RSAC was established to provide advice and recommendations to FRA on railroad safety matters. The RSAC is composed of 62 voting representatives from 36 member organizations, representing various rail industry perspectives. In addition, there are non-voting advisory representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, the National Transportation Safety Board, the Transportation Safety Administration, and the Federal Transit Administration. The diversity of the Committee ensures the requisite range of views and

expertise necessary to discharge its responsibilities. See the RSAC Web site for details on pending tasks at: *http://rsac.fra.dot.gov/.* Please refer to the notice published in the **Federal Register** on March 11, 1996, 61 FR 9740, for additional information about the RSAC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2014–11345 Filed 5–15–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0043]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated April 22, 2014, the National Passenger Railroad Corporation (Amtrak) is requesting a waiver from the requirements of 49 CFR 214.336, *On-track safety procedures for certain roadway work groups and adjacent tracks.* FRA assigned the petition Docket Number FRA–2014–0043.

In its petition, Amtrak requests relief from the portion of 49 CFR part 214 where roadway workers (herein referred to as ''workers'') are able to occupy and satisfy the requirements of a predetermined place of safety (PPOS). The waiver is sought for the express purpose of providing workers with a safe means of traversing to a PPOS when working alongside Amtrak's production equipment, which does not allow access between the rails of the occupied track, and where an adjacent controlled track is present on the same side as the worker. When it is safe to do so, the Roadway Worker-In-Charge (RWIC) will identify the PPOS to be within the vertical planes projected by the occupied track's running rails within working limits, or clear of all tracks, per 49 CFR 214.336(b). When such a place is not accessible or will require the worker to directly expose themselves to movement on one or more tracks while traversing to occupy their PPOS, the RWIC will identify the PPOS to be within the perimeter of the equipment so that no part of their person will break the plane of the equipment's perimeter. The equipment will effectively protect the worker from fouling the adjacent controlled track.

Title 49 CFR 214.336(a)(1) defines the procedure for on-track safety that is required for each adjacent controlled track when a roadway work group with at least one of the roadway workers on the ground is engaged in a common task with on-track, self-propelled equipment, or coupled equipment on an occupied track. Title 49 CFR 214.336(b)(1) provides the requirements for affected workers to cease all on-ground work and equipment movement being performed, and occupy a PPOS upon receiving either a warning or notification of equipment movement on the adjacent controlled track. The average track center spacing on the Northeast Corridor (NEC) is less than 19 feet, and is therefore regulated under the requirements of 49 CFR 214.336. Amtrak's production equipment units are typically work trains that consist of many on-track, self-propelled, coupled pieces of equipment, and the materials required for continuous action track renewal (rail, ballast, and/or tie replacement), removal of track, and/or track laying. The current practice for workers engaged in a common task with on-track, self-propelled equipment prevents worker access to a PPOS between the running rails of the occupied track, and when the workers must cross the tracks for which movement is authorized. The safest PPOS is identified within the perimeter of the immobile production equipment on the occupied track but not between the running rails.

Title 49 CFR 214.336(e)(2) provides exceptions for workers performing maintenance or repairs either alongside or within the perimeter of a roadway maintenance machine, or coupled equipment on the occupied track. The exception to the requirement to cease work does not apply to workers on the ground engaged in a common task with such equipment when a warning is provided for movement on the adjacent controlled track, when the equipment prevents access between the rails of the occupied track, when the only alternate PPOS requires workers to cross tracks for which movement is authorized at maximum authorized speeds (the highest authorized speed on the NEC is 150 mph, 220 feet per second).

An unfortunate consequence of the procedures for adjacent controlled track is that workers are frequently required to engage in a common task alongside Amtrak's production equipment to cross a convergent path with the projected path of the movement for which a warning was just received. A worker's exposure to the risk associated with an adjacent controlled track is maximized at that moment as a result of the regulation designed to minimize this particular risk. The normal frequency of passing trains on the NEC can be as high as 30 trains per hour, which includes instances of multiple trains authorized to pass the work group simultaneously. In the scenario of multiple authorized movements, a worker's view of adjacent track movements could be obstructed by an approaching movement requiring them to blindly cross an unprotected track.

Amtrak seeks regulatory relief so that the RWIC may identify a PPOS in an area of the stationary equipment, which minimizes risk for the worker traversing to occupy the identified PPOS, provided that such PPOS is within the widest perimeter dimension of the equipment and no part of the worker's person may break the plane projected by the equipment's widest perimeter dimension. The equipment would effectively shelter the worker in a place of safety. Equipment authorized to operate on the NEC must meet the dimensional specification, ''Clearance Limitations of Roadway Equipment; Plate C'', which is defined specifically for the safe passage of multiple adjacent movements at the most restrictive spacing of track center locations (Figure 1). It is this specification that ensures the worker a PPOS protected from authorized movements.

Amtrak states in its petition that it is dedicated to ensuring the safety of its employees, and emphasizes that Amtrak does not wish to seek a waiver from the procedures for adjacent controlled track movements when the RWIC feels it safe for the workers to cross and occupy a PPOS in accordance with the regulation. The method of identifying a PPOS within the widest perimeter dimension of stationary equipment on an occupied track is a common practice that has been employed since Amtrak's inception without any records of serious injury or fatality. In contrast, the procedure provided in the regulation (crossing live tracks to reach the PPOS) has resulted in fatalities. The Fatality Analysis of Maintenance-of-way Employees and Signalmen committee's most recent publication on ''Fatalities on Adjacent Tracks'' shows that 91 percent of the Roadway Worker Protection fatalities that are classified as adjacent track fatalities occurred on adjacent tracks with less than 19-foot spacing, where roadway maintenance machines were present and in use on the track where work was being performed.

Amtrak believes that the waiver requested will provide a level of safety for workers engaged in a common task with on-track, self-propelled equipment, or coupled equipment on an occupied track that exceeds the regulation's requirements. Therefore, Amtrak believes that relief from the PPOS

requirements for production track-laying machines, as defined in the regulation, is in the best interest of its roadway workers and consistent with railroad safety objectives.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 16, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov*.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review the U.S. Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2014–11348 Filed 5–15–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0010]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated January 9, 2014, Wabtec Railway Electronics (Wabtec) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at Title 49 Code of Federal Regulations (CFR) Part 229, Railroad Locomotive Safety Standards, and 49 CFR Part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End of Train Devices. FRA assigned the petition Docket Number FRA–2014–0010.

Specifically, Wabtec seeks relief from 49 CFR 229.29, *Air brake system calibration, maintenance, and testing,* and 49 CFR 232.205, *Class I brake test-initial terminal inspection.* These sections list the required periods for the calibration of the air flow method (AFM) indicator and the process to be used to calibrate the AFM. The present requirement is for AFM calibration to occur at intervals not to exceed 92 days. Wabtec, in conjunction with Union Pacific Railroad (UP), requests a 2-year test waiver period to monitor and analyze AFM readings taken after the requested 368-day test interval for all UP locomotives equipped with Wabtec EPIC 3102D2, EPIC II, and FastBrake electronic air brake systems. On April 9, 2012, FRA modified 49 CFR 229.27, *Annual tests,* to allow that ''[a]ll testing under this section shall be performed at intervals that do not exceed 368 calendar days'' and ''[e]ach device used by the engineer to aid in the control or braking of the train or locomotive that provides an indication or air pressure electronically shall be tested by comparison with a test gauge or self-test designed for this purpose.'' Wabtec seeks to gather and compare this data with the 92-day readings it has previously collected to confirm that proper AFM calibration can be maintained over a 368-day time period. Positive conclusions realized from the test may then be used to extend the waiver beyond the initial 2-year period, or as the basis for future regulatory review of the 92-day requirement to match the requirements of 49 CFR 229.27.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 30, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on May 12, 2014.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2014–11349 Filed 5–15–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2006–26555]

Consumer Information; New Car Assessment Program

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Correction to final agency decision notice.

SUMMARY: This document contains a correction to the final agency decision notice published in the **Federal Register** on Friday, July 11, 2008 (73 FR 40016). This document clarifies that the agency has used and will continue to use traditional rounding in the New Car Assessment Program (NCAP), not the round-to-even approach reflected in ASTM E29 ''Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications'' (ASTM E29).

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may contact Ms. Jennifer N. Dang, Office of Crashworthiness Standards (Telephone: 202–366–1740) (Fax: 202–493–2739). For legal issues, you may call Mr. William Shakely, Office of the Chief Counsel (Telephone: 202–366–2992) (Fax: 202–366–3820). You may send mail to both of these officials at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., West Building, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

On July 11, 2008, NHTSA published a final agency decision notice (73 FR 40016) announcing enhancements to the National Highway Traffic Safety Administration's New Car Assessment Program (NCAP), which provides consumers with comparative information on the safety of new vehicles to assist them with vehicle purchasing decisions and to encourage motor vehicle manufacturers to make safety improvements. In the area of crashworthiness safety (how well the vehicle protects occupants in the event of a crash), NCAP uses the 5-Star Safety Rating system to communicate the relative performance of vehicles to consumers. In the 2008 final agency decision notice, the agency discussed how the star ratings are determined based on the relative risk of injury to occupants, quantified as Relative Risk Scores (RRS). The notice discussed the determination of the RRS and the use of ASTM E29 ''Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications'' (ASTM E29) to round values. In actuality, since current NCAP requirements were instituted beginning with the 2011 model year, NHTSA has been using the traditional rounding method, in which the following rounding logic is used:

- When the digit after the last digit to be retained is less than 5, keep the last digit unchanged (for example, in rounding to the hundredths place: 0.453 = 0.45).
- When the digit after the last digit to be retained is greater than or equal to 5, increase the last retained digit by 1 (for example, in rounding to the hundredths place: 0.455 = 0.46 and 0.465 = 0.47).

The ASTM E29 method and the traditional rounding method only differ in instances when the digit after the last place to be retained is equal to 5 and there are no digits beyond 5 (for example, when rounding a number such as 0.455 to the hundredths place). The following rounding logic is used in ASTM E29 and is known as the round-to-even method:

- When the digit after the last digit to be retained is equal to 5, increase the last retained digit by 1 if it is odd, or leave the last retained digit unchanged if it is even (for example, in rounding to the hundredths place: 0.455 = 0.46 and 0.465 = 0.46).

Need for Correction

While the agency referred in the final agency decision notice to the ASTM E29 method, the traditional rounding method has been and is the method used in NCAP. The traditional rounding method is also used in the publicly-available ratings calculator that the agency releases each year, which includes injury measures collected from NCAP's vehicle tests.[1]

Following publication of the final agency decision notice, the agency was asked about its method of rounding injury values obtained from its vehicle tests. This notice reiterates the agency's longstanding rounding method, which is the traditional rounding method (not the ASTM E29 method), used in all NCAP-related calculations to generate vehicle safety ratings.

Claude H. Harris,

Acting Associate Administrator for Rulemaking.

[FR Doc. 2014–11327 Filed 5–15–14; 8:45 am]

BILLING CODE P

[1] The ratings calculator is placed in the public docket each year and can be accessed online by visiting *www.regulations.gov.* The most recent ratings calculator for model year 2014 vehicles is in docket NHTSA–2013–0053 at *www.regulations.gov.*

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35822]

Oakland Global Rail Enterprise, LLC—Operation Exemption—Rail Line of Union Pacific Railroad Company and BNSF Railway Company

Oakland Global Rail Enterprise, LLC (OGRE), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate over approximately 1.8 miles of track consisting of: (1) Approximately 3,800 feet of track owned by Union Pacific Railroad Company (UP) that runs between 2001 Engineers Road and the end of the UP interchange track; and (2) approximately 5,622 feet of track owned by BNSF Railway Company that runs between a point at or near the Bay Bridge Freeway and the Gary Steel facilities on 20th Street in Oakland, Alameda County, Cal.

According to OGRE, the transaction does not involve any provision or agreement that would limit future interchange of traffic with any third-party carrier. OGRE states that it will hold itself out to provide all common carrier rail freight service over the tracks.

OGRE intends to consummate the proposed transaction on or before January 1, 2015, which is after the effective date of this exemption (30 days after the exemption was filed).

OGRE certifies that their projected annual revenues as a result of this transaction will not result in its becoming a Class III rail carrier and will not exceed $5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than May 23, 2014 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD

35822, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Edward D. Greenberg, GKG Law, P.C., Canal Square, 1054 Thirty-First Street NW., Washington, DC 20007.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: May 12, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2014–11215 Filed 5–15–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Financial Management Policies—Interest Rate Risk

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''Financial Management Policies—Interest Rate Risk.'' It also is giving notice that it has submitted the collection to OMB for review.

DATES: Comments must be submitted on or before June 16, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0299, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0299, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: oira *submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

The OCC is proposing to extend OMB approval of the following information collection:

Report Title: Financial Management Policies—Interest Rate Risk.

Frequency of Response: On occasion.

Affected Public: Business or other for-profit.

OMB Control No.: 1557–0299.

Estimated Number of Respondents: 500.

Estimated Total Burden: 20,000.

Abstract: This information collection covers the recordkeeping burden for maintaining data in accordance with OCC's regulation on interest rate risk procedures, 12 CFR 163.176. The purpose of the regulation is to ensure that Federal savings associations are managing their exposure to interest rate risk appropriately. To comply with this reporting requirement, institutions need to maintain records sufficient for determining how they monitor and manage interest rate risk exposure internally.

Comments: The OCC published a notice for 60 days of comment regarding the collection on February 14, 2014. 79 FR 9046. No comments were received. Comments continue to be invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, 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 information collections 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: May 12, 2014.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2014–11395 Filed 5–15–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Submission for OMB Review; Renewal of Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before June 16, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0248, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov*. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0248, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oira submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

The OCC is proposing to extend OMB approval of the following information collection:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control No.: 1557–0248.

Description: The information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient and timely manner, in accordance with the Federal government's commitment to improving service delivery. Qualitative feedback is information that provides useful insights on perceptions and opinions, but does not include statistical surveys or quantitative results that can be attributed to the population of study. Qualitative feedback provides insights into customer or stakeholder perceptions, experiences, and expectations; provides an early warning of issues with service; and/or focuses attention on areas where communication, training, or changes in operations might improve delivery of products or services. Collections of qualitative feedback allow for ongoing, collaborative, and actionable communications between the OCC, its customers, and stakeholdersm and can be useful in improving program management.

The solicitation of feedback targets areas such as timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. The OCC uses the information generated through the responses to inform and plan efforts to improve or maintain the quality of service offered to the public. If this information is not collected, the OCC will not have access to vital feedback from customers and stakeholders.

The OCC will submit a collection for approval under this generic clearance only 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 is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information, meaning that the collections will not be designed or expected to yield statistically reliable results or used to reach general conclusions about the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be attributed to the overall population. This 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 to identify: 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 conducting 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 designed to yield quantitative results.

As a general matter, these information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature.

The OCC used this collection twice in 2013 to obtain feedback from vendors following OCC outreach sessions. The collection allowed OCC business units to solicit feedback from participants at outreach events, access the participants' experiences, and adjust future outreach events. Specifically, it allowed the OCC to generate Congressional reports on the ''successes achieved and challenges faced by the agency in operating minority and women outreach programs.'' 12 U.S.C. 5452(e).

Type of Review: Regular review.

OMB Control No.: 1557–0248.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Burden Estimate:

Average Expected Annual Number of Activities: 3.

Average Number of Respondents per Activity: 3,000.

Total Annual Responses: 9,000.

Frequency of Response: Once per request.

Average Minutes per Response: 10.

Total Annual Burden Hours: 1,500.

Comments submitted in response to this notice will be summarized and 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 OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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: May 12, 2014.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2014–11398 Filed 5–15–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; General Reporting and Recordkeeping Requirements by Savings Associations

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''General Reporting and Recordkeeping Requirements by Savings Associations.'' The OCC is also giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before June 16, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0266, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0266, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oira submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

The OCC is proposing to extend OMB approval of the following information collection:

Title: General Reporting and Recordkeeping Requirements by Savings Associations.

OMB Control No.: 1557–0266.

Type of Review: Regular review.

Abstract: This information collection relates to reports and records required by the following regulations:

- 12 CFR 152.11 (books and records, Federal stock associations);
- 12 CFR 145.96(c) (agency business records, Federal stock associations);
- 12 CFR 144.8 (communications between members of a Federal mutual savings association);
- 12 CFR 162.1 (regulatory reporting requirements, each Federal savings association and its affiliates);
- 12 CFR 163.1 (chartering documents, each Federal savings association);
- 12 CFR 163.47(e) (pension plans, each Federal savings association or service corporation);
- 12 CFR 172.6(b) (standard flood hazard determination form, each Federal savings association);
- 12 CFR 162.4 (audit of Federal savings association, savings and loan holding company, or affiliate); and
- 12 CFR 163.76(c) (offers and sales of securities of a Federal savings association or its affiliates in any office of the savings association).

Federal savings associations use these required reports and records for internal management control purposes and examiners use them to determine whether Federal savings associations are being operated safely, soundly, and in compliance with regulations. The absence of these reporting and record keeping requirements would make it difficult for institutions to establish prudent internal controls and limit the ability of examiners to determine the accurate performance and condition of Federal savings associations.

Affected Public: Businesses or other for-profit.

Burden Estimates:

Estimated Number of Respondents: 500.

Estimated Total Burden: 68,345 hours.

Frequency of Response: On occasion.

Comments: The OCC issued a **Federal Register** notice regarding the collection for 60 days of comment on February 14, 2014. 79 FR 9044. No comments were received. Comments continue to be invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, 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 information collections 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: May 12, 2014.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2014–11393 Filed 5–15–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Capital Adequacy Standards

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''Capital Adequacy Standards.'' It is also giving notice that it has submitted the collection to OMB for review.

DATES: Comments must be submitted on or before June 16, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0318, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov*. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0318, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oira submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

In connection with issuance of the Basel III final rule,[1] OMB provided a six-month approval for this information collection. The OCC is requesting that OMB extend approval of the collection for the standard three years.

Title: Capital Adequacy Standards.

OMB Control No.: 1557–0318.

Frequency of Response: On occasion.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 823.

Estimated Total Burden: 189,348.50 hours.

Section-by-Section-Analysis

Twelve CFR part 3 sets forth the OCC's minimum capital requirements and overall capital adequacy standards for national banks and Federal savings associations.

Section 3.3(c) allows for the recognition of netting across multiple types of transactions or agreements if the institution obtains a written legal opinion verifying the validity and enforceability of the agreement under certain circumstances and maintains sufficient written documentation of this legal review.

Section 3.22(h)(2)(iii)(A) permits the use of a conservative estimate of the amount of an institution's investment in its own capital or the capital of unconsolidated financial institutions held through an index security with prior approval by the OCC.

Section 3.35(b)(3)(i)(A) requires, for a cleared transaction with a qualified central counterparty (QCCP), that a client bank apply a risk weight of two percent, provided that the collateral posted by the bank to the QCCP is subject to certain arrangements and the client bank has conducted a sufficient legal review (and maintains sufficient written documentation of the legal review) to conclude with a well-

[1] 78 FR 62018 (October 11, 2013).

founded basis that the arrangements, in the event of a legal challenge, would be found to be legal, valid, binding, and enforceable under the law of the relevant jurisdictions.

Section 3.37(c)(4)(i)(E), regarding collateralized transactions, requires that a bank have policies and procedures in place describing how it determines the period of significant financial stress used to calculate its own internal estimates for haircuts and be able to provide empirical support for the period used.

Section 3.41(b)(3), which sets forth operational requirements for securitization exposures, allows a national bank or Federal savings association to recognize for risk-based capital purposes, in the case of synthetic securitizations, a credit risk mitigant to hedge underlying exposures if certain conditions are met, including a requirement that the national bank or Federal savings association obtain a well-reasoned opinion from legal counsel that confirms the enforceability of the credit risk mitigant in all relevant jurisdictions.

Section 3.41(c)(2)(i) requires that a national bank or Federal savings association demonstrate its comprehensive understanding of a securitization exposure by conducting an analysis of the risk characteristics of each securitization exposure prior to its acquisition, taking into account a number of specified considerations and documenting the analysis within three business days after the acquisition.

If a national bank or Federal savings association provides non-contractual support to a securitization, § 3.42(e)(2), regarding risk-weighted assets for securitization exposures, requires that a national bank or Federal savings association to publicly disclose that is has provided implicit support to a securitization and the risk-based capital impact to the bank of providing such implicit support.

Section 3.62 sets forth disclosure requirements related to the capital requirements of a national bank or Federal savings association. Section 3.61 provides that these requirements apply only to a national bank or Federal savings association with total consolidated assets of $50 billion or more that is not a consolidated subsidiary of an entity that is itself subject to Basel III disclosures. For national banks and Federal savings associations subject to the disclosure requirements, section 3.62(a) requires quarterly disclosure of information in the applicable tables in section 3.63 and, if a significant change occurs, such that the most recent reported amounts are no longer reflective of the institution's capital adequacy and risk profile, section 3.62(a) requires the national bank or Federal savings association to disclose as soon as practicable thereafter, a brief discussion of the change and its likely impact. Section 3.62(a) permits annual disclosure of qualitative information that typically does not change each quarter, provided that any significant changes are disclosed in the interim. Section 3.62(b) requires that a national bank or Federal savings association have a formal disclosure policy approved by the board of directors that addresses its approach for determining the disclosures it makes. The policy must address the associated internal controls and disclosure controls and procedures. Section 3.62(c) permits a national bank or Federal savings association to disclose more general information about certain subjects if the national bank or Federal savings association concludes that the specific commercial or financial information required to be disclosed under § 3.62 is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), and national bank or Federal savings association provides the reason the specific items of information have not been disclosed.

Section 3.63 sets forth the specific disclosure requirements for a non-advanced approaches national bank or Federal savings association with total consolidated assets of $50 billion or more that is not a consolidated subsidiary of an entity that is itself subject to Basel III disclosure requirements. Section 3.63(a) requires those institutions to make the disclosures in Tables 1 through 10 to § 3.63 and in § 3.63(b) for each of the last three years beginning on the effective date of the rule. Section 3.63(b) requires quarterly disclosure of an institution's common equity tier 1 capital, additional tier 1 capital, tier 2 capital, tier 1 and total capital ratios, including the regulatory capital elements and all the regulatory adjustments and deductions needed to calculate the numerator of such ratios; total risk-weighted assets, including the different regulatory adjustments and deductions needed to calculate total risk-weighted assets; regulatory capital ratios during any transition periods, including a description of all the regulatory capital elements and all regulatory adjustments and deductions needed to calculate the numerator and denominator of each capital ratio during any transition period; and a reconciliation of regulatory capital elements as they relate to its balance sheet in any audited consolidated financial statements. Tables 1 through 10 to § 3.63 set forth qualitative and/or quantitative requirements for scope of application, capital structure, capital adequacy, capital conservation buffer, credit risk, counterparty credit risk-related exposures, credit risk mitigation, securitizations, equities not subject to Subpart F (Market Risk requirements) of the rule, and interest rate risk for non-trading activities.

Section 3.121 requires a national bank or Federal savings association subject to the advanced approaches risk-based capital requirements to adopt a written implementation plan to address how it will comply with the advanced capital adequacy framework's qualification requirements and also develop and maintain a comprehensive and sound planning and governance process to oversee the implementation efforts described in the plan. Section 3.122 further requires these institutions to: develop processes for assessing capital adequacy in relation to an organization's risk profile; establish and maintain internal risk rating and segmentation systems for wholesale and retail risk exposures, including comprehensive risk parameter quantification processes and processes for annual reviews and analyses of reference data to determine their relevance; document its process for identifying, measuring, monitoring, controlling, and internally reporting operational risk; verify the accurate and timely reporting of risk-based capital requirements; and monitor, validate, and refine its advanced systems.

Section 3.123 sets forth ongoing qualification requirements that require an institution to notify the OCC of any material change to an advance system and to establish and submit to the OCC a plan for returning to compliance with the qualification requirements.

Section 3.124 requires a national bank of Federal savings association to submit to the OCC, within 90 days of consummating a merger or acquisition, an implementation plan for using its advanced systems for the merged or acquired company.

Section 3.132(b)(2)(iii)(A) addresses counterparty credit risk of repo-style transactions, eligible margin loans, and over-the-counter (OTC) derivative contracts, and internal estimates for haircuts. With the prior written approval of the OCC, an institution may calculate haircuts (H_s and H_{fx}) using its own internal estimates of the volatilities of market prices and foreign exchange rates. The section requires national banks and Federal savings associations to satisfy certain minimum quantitative standards in order to receive OCC

approval to use its own internal estimates.

Section 3.132(b)(3) covers counterparty credit risk of repo-style transactions, eligible margin loans, OTC derivative contracts, and simple Value-at-Risk (VaR) methodology. With the prior written approval of the OCC, a national bank or Federal savings association may estimate exposure at default (EAD) for a netting set using a VaR model that meets certain requirements.

Section 3.132(d)(1) permits the use of the internal models methodology (IMM) to determine EAD for counterparty credit risk for derivative contracts with prior written approval from the OCC. Section 3.132(d)(1)(iii) permits the use of the internal models methodology for derivative contracts, eligible margin loans, and repo-style transactions subject to a qualifying cross-product netting agreement with prior written approval from the OCC.

Section 3.132(d)(2)(iv) addresses counterparty credit risk of repo-style transactions, eligible margin loans, and OTC derivative contracts, and risk-weighted assets using IMM. Under the IMM, an institution uses an internal model to estimate the expected exposure (EE) for a netting set and then calculates EAD based on that EE. An institution must calculate two EEs and two EADs (one stressed and one unstressed) for each netting as outlined in this section. A national bank or Federal savings association may use a conservative measure of EAD subject to prior written approval of the OCC.

Section 3.132(d)(3)(vi) addresses counterparty credit risk of repo-style transactions, eligible margin loans, and OTC derivative contracts. To obtain OCC approval to calculate the distributions of exposures upon which the EAD calculation is based, a national bank or Federal savings association must demonstrate to the satisfaction of the OCC that it has been using for at least one year an internal model that broadly meets the minimum standards, with which the institution must maintain compliance. The institution must have procedures to identify, monitor, and control wrong-way risk throughout the life of an exposure and they must include stress testing and scenario analysis.

Section 3.132(d)(3)(viii) addresses counterparty credit risk of repo-style transactions, eligible margin loans, and OTC derivative contracts. When estimating model parameters based on a stress period, a national bank or Federal savings association must use at least three years of historical data that include a period of stress to the credit default spreads of the institution's counterparties. The institution must review the data set and update the data as necessary, particularly for any material changes in its counterparties. The institution must demonstrate at least quarterly that the stress period coincides with increased credit default swap (CDS) or other credit spreads of the institution's counterparties. The institution must have procedures to evaluate the effectiveness of its stress calibration that include a process for using benchmark portfolios that are vulnerable to the same risk factors as the institution's portfolio. The OCC may require the institution to modify its stress calibration to better reflect actual historic losses of the portfolio.

Section 3.132(d)(3)(ix), regarding counterparty credit risk of repo-style transactions, eligible margin loans, and OTC derivative contracts, requires that an institution must subject its internal model to an initial validation and annual model review process that includes consideration of whether the inputs and risk factors, as well as the model outputs, are appropriate. The section requires national banks and Federal savings associations to have a backtesting program for its model that includes a process by which unacceptable model performance will be determined and remedied.

Section 3.132(d)(3)(x), regarding counterparty credit risk of repo-style transactions, eligible margin loans, and OTC derivative contracts, provides that an national bank or Federal savings association must have policies for the measurement, management, and control of collateral and margin amounts.

Section 3.132(d)(3)(xi), concerning counterparty credit risk of repo-style transactions, eligible margin loans, and OTC derivative contracts, states that an institution must have a comprehensive stress testing program that captures all credit exposures to counterparties, and incorporates stress testing of principal market risk factors and creditworthiness of counterparties.

Section 3.141 relates to operational criteria for recognizing the transfer of risk in connection with a securitization. Section 3.141(b)(3) requires a national bank or Federal savings association to obtain a well-reasoned legal opinion confirming the enforceability of the credit risk mitigant in all relevant jurisdictions in order to recognize the transference of risk in connection with a synthetic securitization. An institution must demonstrate its comprehensive understanding of a securitization exposure under § 3.141(c)(2) for each securitization exposure by conducting an analysis of the risk characteristics of a securitization exposure prior to acquiring the exposure and document such analysis within three business days after acquiring the exposure. Sections 3.141(c)(2)(i) and (ii) require that institutions, on an on-going basis (at least quarterly), evaluate, review, and update as appropriate the analysis required under this section for each securitization exposure.

Section 3.142(h)(2), regarding the capital treatment for securitization exposures, requires a national bank or Federal savings association to disclose publicly if it has provided implicit support to a securitization and the regulatory capital impact to the institution of providing such implicit support.

Section 3.153(b), outlining the Internal Models Approach (IMA) for calculating risk-weighted assets for equity exposures, specifies that a national bank or Federal savings association must receive prior written approval from the OCC before it can use IMA.

Section 3.172 specifies that each advanced approaches national bank or Federal savings association that has completed the parallel run process must publicly disclose its total and tier 1 risk-based capital ratios and their components.

Section 3.173 addresses disclosures by an advanced approaches national bank or Federal savings association that is not a consolidated subsidiary of an entity that is subject to the Basel III disclosure requirements. An advanced approaches institution that is subject to the disclosure requirements must make the disclosures described in Tables 1 through 12. The institution must make these disclosures publicly available for each of the last three years (that is, twelve quarters) or such shorter period beginning on the effective date of this subpart E.

The tables to section 3.173 require qualitative and quantitative public disclosures for capital structure, capital adequacy, capital conservation and countercyclical buffers, credit risk, securitization, operational risk, equities not subject to the market risk capital requirements, and interest rate risk for non-trading activities.

On February 28, 2014, the OCC issued a notice for 60 days of comment concerning renewal of this collection. 79 FR 11501. No comments were received. Comments continue to be invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: May 12, 2014.

Stuart E. Feldstein,

Legislative and Regulatory Activities Division.

[FR Doc. 2014–11397 Filed 5–15–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of Persons Whose Property and Interests in Property Are Blocked Pursuant to Executive Order 13664 of April 3, 2014, ''Blocking Property of Certain Persons With Respect to South Sudan.''

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of 2 individuals whose property and interests in property are blocked pursuant to Executive Order 13664 of April 3, 2014, ''Blocking Property of Certain Persons With Respect to South Sudan.''

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue NW (Treasury Annex), Washington, DC 20220, Tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

The List of Specially Designated Nationals and Blocked Persons (''SDN List'') and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On April 3, 2014, the President issued the Executive Order ''Blocking Property of Certain Persons With Respect to South Sudan'' (the ''Order'') pursuant to, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701–06). In the Order, the President declared a national emergency to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by activities that threaten the peace, security, or stability of South Sudan and the surrounding region, including widespread violence and atrocities, human rights abuses, recruitment and use of child soldiers, attacks on peacekeepers, and obstruction of humanitarian operations.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person and of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to satisfy certain criteria set forth in the Order. On May 6, 2014, the Director of OFAC, in consultation with the Department of State, designated, pursuant to one or more of the criteria set forth in Section 1 of the Order, the following 2 individuals, whose names have been added to the list of Specially Designated Nationals and Blocked Persons and whose property and interests in property are blocked pursuant to Executive Order 13664:

1. MANGOK, Marial Chanuong Yol (a.k.a. CHINOUM, Marial; a.k.a. CHINUONG, Marial; a.k.a. YOL, Marial Chanoung; a.k.a. ''CHAN, Marial''); DOB 01 Jan 1960; POB Yirol, Lakes State; Commander, Presidential Guard Unit; Major General, Sudan People's Liberation Army (individual) [SOUTH SUDAN].
2. GADET, Peter (a.k.a. GATDET, Peter; a.k.a. YAAK, Peter Gadet; a.k.a. YAAK, Peter Gatdet; a.k.a. YAK, Peter Gadet; a.k.a. YAKA, Peter Gatdeet; a.k.a. YAKA, Peter Gatdet); DOB 1957 to 1959; POB Mayon County Unity State; alt. POB Mayan, Unity State; General (individual) [SOUTH SUDAN].

Dated: May 6, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–11409 Filed 5–15–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of One Individual and Four Entities Blocked Pursuant to Executive Order 13315 of August 28, 2003

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is removing the names of one individual and four entities whose property and interests in property were blocked pursuant to Executive Order 13315 of August 28, 2003, ''Blocking Property of the Former Iraqi Regime, Its Senior Officials and Their Family Members, and Taking Certain Other Actions'' from the list of Specially Designated Nationals and Blocked Persons (''SDN List'').

DATES: The removal of the individual and the entities from the SDN List was effective as of April 29, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, 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 from OFAC's Web site (*www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On August 28, 2003, the President issued Executive Order 13315 (the ''Order'') pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 et seq., the National Emergencies Act, 50 U.S.C. 1601 et seq., section 5 of the United Nations Participation Act, as amended, 22 U.S.C. 287c, section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution 1483 of May 22, 2003. In the Order, the President expanded the scope of the national emergency declared in Executive Order 13303 of May 22, 2003, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in that country, and the development of political, administrative, and economic institutions in Iraq. The Order blocks

the property and interests in property of, *inter alia,* persons listed on the Annex to the Order.

On July 30, 2004, the President issued Executive Order 13350, which, inter alia, replaced the Annex to Executive Order 13315 with a new Annex that included the names of individuals and entities, including individuals and entities that had previously been designated under Executive Order 12722 and related authorities.

The Department of the Treasury's Office of Foreign Assets Control has determined that the following individual and entities should be removed from the SDN List:

Individual

ABBAS, Kassim, Lerchesbergring 23A, D–60598, Frankfurt, Germany; DOB 7 Aug 1956;
POB Baghdad, Iraq (individual) [IRAQ2]

Entities

S.M.I. SEWING MACHINES ITALY S.P.A., Italy [IRAQ2]
EUROMAC TRANSPORTI INTERNATIONAL SRL, Via Ampere 5, Monza 20052, Italy [IRAQ2]
EUROMAC, LTD, 4 Bishops Avenue, Northwood, Middlesex, United Kingdom [IRAQ2]
BAY INDUSTRIES, INC., 10100 Santa Monica Boulevard, Santa Monica, CA [IRAQ2]

The removal of the names from the SDN List was effective as of April 29, 2014. All property and interests in property of the individual and the entities that are in or hereafter come within the United States or the possession or control of United States persons are now unblocked.

Dated: May 12, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–11411 Filed 5–15–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Intent To Prepare an Integrated Environmental Impact Statement for the Department of Veterans Affairs, Black Hills Health Care System Proposed Improvements and Reconfiguration, Hot Springs and Rapid City, South Dakota

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of intent

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4331 et seq.); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508); VA's NEPA Implementing Guidance (38 CFR Part 26); Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. Part 470F); and the Advisory Council on Historic Preservation Procedures for the Protection of Historic Properties (36 CFR Part 800 et seq.), VA intends to prepare an integrated environmental impact statement (EIS) for the proposed improvements to and reconfiguration of the VA Black Hills Health Care System (VA BHHCS) services in the Hot Springs and Rapid City, South Dakota, vicinities. The proposed action would involve reconfiguring existing services and expanding points of access to health care within the VA BHHCS service area to better serve the health care needs and distribution of Veterans in the VA BHHCS service area over the next 20 to 30 years. That area includes parts of South Dakota, northwestern Nebraska, and eastern Wyoming. The effects and impacts to be addressed will include those identified in 40 CFR 1508.8; i.e., ecological, aesthetic, historic, cultural, economic, social, and health, whether direct, indirect, or cumulative. Both beneficial and detrimental effects of the proposed action will be identified as well. As part of the scoping process, VA seeks public input on the relative importance of these and other areas of environmental concern, and suggestions regarding additional environmental impacts that should be evaluated.

DATES: With the publication of this notice, VA is initiating the scoping process to identify issues and concerns to be addressed in the integrated EIS. Federal, state, and local agencies, environmental organizations, businesses, other interested parties and the general public are encouraged to submit their written comments identifying specific issues or topics of environmental concern that should be addressed. VA will hold two or more public scoping meetings within the VA BHHCS service area; the dates, times, and locations of which will be announced and published at least 14 days prior to the meetings. All written comments on the proposal should be submitted by June 16, 2014. VA will consider all comments received during the 30-day public comment period in determining the scope of the integrated EIS.

ADDRESSES: Submit written comments on VA's notice of intent to prepare an integrated EIS through *www.Regulations.gov* or *vablackhillsfuture@va.gov.* Please refer to: ''VA BHHCS Notice of Intent to Prepare an Integrated EIS''. Comments may also be submitted to Staff Assistant to the Director, VA Black Hills Health Care System, 113 Comanche Rd., Fort Meade, SD 57741

FOR FURTHER INFORMATION CONTACT: Staff Assistant to the Director, VA BHHCS, at the address above or by telephone, 605–720–7170. Documents related to the VA BHHCS proposed reconfiguration will be available for viewing on the VA BHHCS Web site: *http://www.blackhills.va.gov/VABlackHillsFuture/.*

SUPPLEMENTARY INFORMATION: In December 2011, VA made public a proposal to improve and reconfigure the Black Hills Health Care System services. The purpose of this proposed action is to enhance and maintain the quality and safety of care for Veterans in the 100,000 square-mile VA BHHCS service area, replace aging buildings for Veterans in Residential Rehabilitation and Treatment Programs (RRTP) and Community-Based Outpatient Clinics (CBOC), increase access to care closer to Veterans' homes, and reduce out-of-pocket expenses for Veterans' travel. VA BHHCS served approximately 18,650 Veterans in fiscal year 2012, a decrease from 20,500 in fiscal year 2009. VA projections estimate that within 10 years VA BHHCS will serve about 19,750 Veterans in the two hospitals (Hot Springs and Fort Meade) and nine CBOCs currently in operation.

The need for the reconfiguration of services is further substantiated by the following facts: (1) Veteran population centers are not in the same location as current VA facilities; (2) Difficulty recruiting and retaining qualified staff at current Hot Springs facility; (3) Difficulty maintaining high-quality, safe, and accessible care; (4) Long distances and travel times to receive specialty care; (5) Current residential treatment facilities and locations limit care available to Veterans; and (6) Higher operating costs than financial allocations.

At VA Hot Springs there are approximately 2,800 Veterans that receive primary care. About 5,500 Veterans visit the facility annually for some aspect of care. The operation of this small, highly rural facility located in a community of approximately 3,900 persons raises concerns about safety, quality of care, sustainability over time, recruitment and retention of staff, and cost of operations and maintenance and upgrades to the facility. Contributing factors are the difficulty complying with rules and laws governing handicapped

access, and the increasing age and cost of operating, maintaining and improving buildings ranging from 40 to over 100 years old.

At present, VA has identified seven potential action alternatives to be analyzed in the EIS: *Alternative A* would involve building/leasing a CBOC in Hot Springs and a Multi-Specialty Outpatient Clinic (MSOC) and 100-bed RRTP in Rapid City. *Alternative B* would involve building/leasing a 100-bed RRTP in Hot Springs and a MSOC in Rapid City. *Alternative C* would entail renovating Building 12 for a CBOC and the Domiciliary for a 100-bed RRTP at Hot Springs and building/leasing a MSOC at Rapid City. *Alternative D* would involve building/leasing a CBOC and 24-bed RRTP at Hot Springs and a MSOC and 76-bed RRTP at Rapid City. *Alternative E* would involve implementing a proposal put forward by the ''Save the VA'' committee, a Hot Springs public interest group, to repurpose VA Hot Springs as a multifaceted national demonstration project for Veterans care in a rural environment. *Alternative F* would be an as yet unidentified alternative use that might be proposed during the EIS process. *Supplemental Alternative G* would entail repurposing all or part of the Hot Springs campus through an enhanced-use lease or other agreement with another governmental agency or private entity in conjunction with Alternatives A through F. In addition to the above seven action alternatives, the EIS also will evaluate the impacts associated with the No Action or ''status quo'' alternative (*Alternative H*) as a basis for comparison to the action alternatives.

Potential issues and impacts to be addressed in the EIS will include, but not be limited to, physical and biological resources, cultural and historic resources, land use, socioeconomics, community services, transportation and parking, and cumulative effects. Relevant and reasonable measures that could alleviate or mitigate adverse effects and impacts also will be included. VA will undertake necessary consultations with other governmental agencies and consulting parties pursuant to the NHPA, Endangered Species Act, Clean Water Act, and other applicable environmental laws. Consultation will include, but not be limited to, the following Federal, Tribal, state, and local agencies: State and Tribal Historic Preservation Officers; U.S. Fish and Wildlife Service; U.S. Environmental Protection Agency; National Park Service; and the Advisory Council on Historic Preservation. Information related to the EIS process, including notices of public scoping and other informational meetings and hearings, will be available for viewing on the VA BHHCS Web site: *http://www.blackhills.va.gov/VABlackHillsFuture/*

VA anticipates that many of the issues to be addressed in assessing the impacts of the various alternatives will be broadly cultural in character; that is, they will involve potential impacts on the cultural environment as perceived by Veterans, their families, Indian tribes and communities of the area. Such impacts may include, but are not limited to: (a) Impacts on historic properties; (b) impacts on the cultural values ascribed to the Hot Springs and Fort Meade campuses by Veterans, local residents, Indian tribes and others; (c) impacts to ongoing or traditional cultural uses of such locations; and (d) impacts on archaeological, historical, and scientific data.

In the interests of efficiency, completeness, and facilitating public involvement, it is VA's intention that all cultural impacts be addressed together, in consultation with all appropriate parties. To facilitate this inclusive process, VA will incorporate into its NEPA analysis process the review procedures for historic properties usually carried out separately under 36 CFR 800.3 through 6 of the NHPA Section 106 implementing regulations. This process is described in 36 CFR 800.8(c) of those procedures and in the Council on Environmental Quality and Advisory Council on Historic Preservation handbook for integrating NEPA and Section 106 dated March 2013.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, Department of Veterans Affairs, approved this document on May 6, 2014, for publication.

Dated: May 13, 2014.

Robert C. McFetridge,

Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2014–11316 Filed 5–15–14; 8:45 am]

BILLING CODE 8320–01–P

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